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JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Territory of New Mexico.

SESSION OF 1871-72.

SANTA FE, N. M.
A. P. SULLIVAN, PUBLIC PRINTER.
1872.

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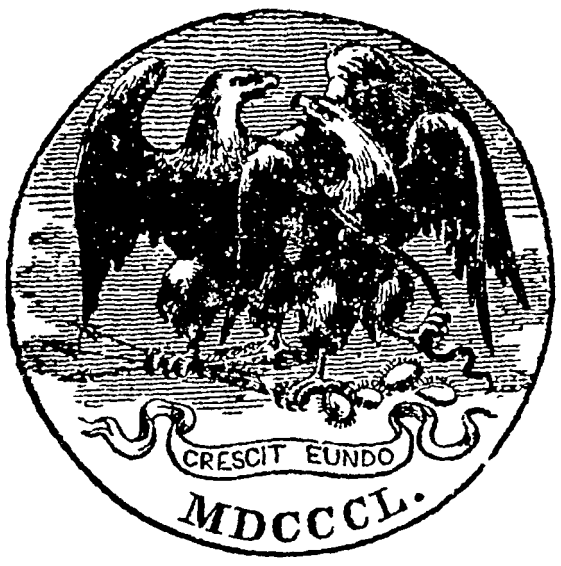

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SANTA FE, NEW MEXICO, MONDAY, DEC. 4, 1871.

This being the day prescribed by law, enacted by the general Congress of the United States, and the proclamation of the Governor of the Territory of New Mexico, for the meeting of the Legislative Assembly thereof, the following members met in the Hall of the Council, in the city of Santa Fé, Capital of said Territory, to wit:

County of Taos—Nicanor Vigil, Pedro Sanchez.
Counties of Mora and Colfax—Vicente St. Vrain.
County of Rio Arriba—Diego Archuleta, Dionicio Vargas.
County of San Miguel—Severo Baca, Benigno Jaramillo.
County of Santa Fé—Nazario Gonzales.
County of Santa Ana—Jesus Maria Silva.
County of Bernalillo—Juan José Gonzales.
County of Valencia—José B. Chaves.
Counties of Socorro and Lincoln—Candelario Garcia.
Counties of Doña Ana and Grant—Joseph F. Bennett.

On motion of Mr. Nicanor Vigil, Mr. Benigno Jaramillo was chosen President pro tem, who took the chair and called the members to order.

Mr. Nicanor Vigil moved the appointment of Mr. Francisco Salazar as Clerk protempore.

The motion was agreed to.

On motion of Mr. Diego Archuleta, the members presented their credentials.

On motion of Mr. Severo Baca, a committee of four was appointed for the purpose of examining the credentials.

The committee consisted of Messrs. Severo Baca, Vicente St. Vrain, J. Bonifacio Chaves and Nazario Gonzales.

The committee after a short absence made the following report.

Mr. PRESIDENT—

The committee appointed for the purpose of examining the credentials of the members present, after a close examination of the same, find that the following members have been lawfully elected members of the Legislative Council of the Territory of New Mexico:

County of Taos—Pedro Sanchez and Nicanor Vigil.
Counties of Mora and Colfax—Vicente St. Vrain.
County of Rio Arriba—Diego Archuleta and Dionicio Vargas.
County of San Miguel—Severo Baca and Benigno Jaramillo.
County of Santa Fé—Nazario Gonzales.
County of Santa Ana—Jesus Maria Silva.
County of Bernalillo—Juan José Gonzales.
County of Valencia—José B. Chaves.
Counties of Socorro and Lincoln—Candelario Garcia.
Counties of Doña Ana and Grant—Joseph F. Bennett.

All of which is respectfully submitted.

SEVERO BACA,
Chairman of the Committee.

On motion of Mr. Diego Archuleta the report of the committee was adopted.

Mr. Nicanor Vigil moved that a committee of three be appointed with instructions to request the Hon. Secretary of the Territory to come and administer the oath of office to the members of the Council.

Agreed to.

The committee appointed were Messrs. Nicanor Vigil, Candelario Garcia and José B. Chaves.

The committee retired, and after a short absence reported that they had the honor to accompany the Hon. H. Wetter, Secretary of the Territory, who being received proceeded to administer to the members of the Legislative Council the usual oath; the oath having being taken the Council proceeded to the appointment of officers in the following order, to wit:

Hon. Diego Archuleta moved that the Hon. Severo Baca be

appointed the permanent President of the Council, and there being no objection, Hon. Severo Baca was unanimously appointed the permanent President of the Council.

Hon. Pedro Sanchez proposed Hon. Francisco Salazar as Chief Clerk of the Council.

Hon. Diego Archuleta proposed for the same office Mr. Nicolas Quintana.

The question being put and the roll called, the result was as follows:

For Salazar, 7.

For Quintana, 6.

For Salazar voted, Hons. Nicanor Vigil, Pedro Sanchez, Severo Baca, Benigno Jaramillo, Jesus Maria Silva, Juan José Gonzales and José B. Chaves, (seven.)

For Quintana voted, Hons. Vicente St. Vrain, Diego Archuleta, Dionicio Vargas, Nazario Gonzales, Candelario Garcia and Joseph F. Bennett, (six.)

Mr. Salazar having the majority of votes was declared elected Chief Clerk of the Council.

Hon. Nicanor Vigil moved that Mr. Rafael Lucero be appointed Assistant Clerk of the Council, and there being no objection Mr. Rafael Lucero was declared unanimously elected Assistant Clerk of the Council.

Hon. Pedro Sanchez proposed Mr. José Ortiz as Engrossing Clerk of the Council, and there being no objection he was declared unanimously elected.

Hon. Nicanor Vigil proposed Antonio Martin as Enrolling Clerk of the Council, and there being no objection he was declared unanimously elected.

Hon. Nicanor Vigil proposed Luciano Jaramillo as Sergeant-at-Arms of the Council, and he was unanimously elected.

Hon. Pedro Sanchez proposed Juan Bautista Ortega as Porter of the Council, and he was unanimously elected.

The appointments of officers being closed, and the Hon. Henry Wetter, Secretary of the Territory, being present, he was requested to administer the oath to the Hon. Severo Baca as permanent President of the Council, and to the other officers.

The Hon. Severo Baca, upon taknig the chair as President of the Council, in a brief and eloquent manner tendered to the Hon. Secretary of the Territory a vote of thanks on behalf of the Council for the prompt and efficient manner with which he had performed his duties and instructed the committee to accompany the Hon. Secretary to his residence.

Upon motion the Council took a recess during the absence of the committee.

The committee having returned the President called the Council to order.

The committee reported that they had complied with their commission.

Hon. Nicanor Vigil presented the following resolution:

Resolved, By the Legislative Council of the Territory of New Mexico, That the parliamentary rules which governed the last session of the Legislative Council be adopted as the rules which shall govern the present session of the Legislative Council, and that the Chief Clerk of the Council be instructed to procure one copy thereof for each member of this body from the Hon. Secretary of the Territory.

On motion of Hon. Pedro Sanches the resolution was adopted.

Hon. Nicanor Vigil moved that a committee of three members be appointed with instructions to inform the Hon. House of Representatives and His Excellency the Governor of the Territory and the Hon. Secretary of the Territory that this body is completely organized and ready to receive any message or communication that they may deem proper to address to them.

Agreed to.

The committee consisted of Hons. Nicanor Vigil, Joseph F. Bennett and José B. Chaves who proceeded to comply with their duty, and after a short absence returned and reported through its chairman that His Excellency the Governor had instructed them to inform the Council that he would be ready to deliver his message to both Houses to-morrow at eleven o'clock, the same committee reports that the honorable House of Representatives was not in session and the honorable Secretary of the Territory was not found in his office.

The committee was instructed by the chair to notify the honorable House of Representatives and the honorable Secretary of the Territory at the earliest convenient time of the organization of this Body.

Hon. Pedro Sanches moved that the Clerk of this honorable Body be instructed to procure from the honorable Secretary of the Territory the necessary utencils and stationery for the use of this Body.

The motion was adopted and the Clerk instructed accordingly.

When on motion of honorable Pedro Sanches, of Taos, the Council adjourned till to-morrow, Tuesday at 9 o'clock a. m.

TUESDAY, DECEMBER 5, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan Jose Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Ma. Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

A communication of the honorable Secretary was announced and received.

Hon. Diego Archuleta moved that the Chief Clerk be instructed to send a communication to the Secretary of the Territory urging him to send a copy of the instructions sent to him from the Department of the Interior in regard to the Interpreter of this honorable Body; also asking him to furnish for the use of this Body a suffi-

cient number of copies of the laws of this Territory and of the Organic Act and Constitution of the United States.

On motion of honorable Dionicio Vargas the motion of honorable Diego Archuleta was adopted, and the Chief Clerk instructed to send the communication.

A communication of the Secretary of the Territory was read and is as follows, to wit:

TERRITORY OF NEW MEXICO,
SECRETARY'S OFFICE,
Santa Fé, N. M., Dec. 5, 1871.

Hon. Severo Baca, President of the Council,

I enclose herewith for the information of your honorable body a copy of a letter received from the Comptroller of the Treasury relative to purchases for the Legislative Assembly.

Respectfully your obedient servant,
H. WETTER,
Secretary of the Territory.

(Copy.)
TREASURY DEPARTMENT,
FIRST AUDITOR'S OFFICE, November 15, 1871.

Henry Wetter, Secretary, Territory, N. M., Santa Fé.

SIR:—I have to inform you that hereafter the following items heretofore allowed as part of Legislative expenses will be discontinued, to wit: Newspapers, postage stamps, pen knives for members and officers of the General Assembly of the Territory of New Mexico.

Respectfully,
R. W. TAYLOR,
Comptroller.

On motion of honorable Diego Archuleta the Council took a recess of a quarter of an hour.

The time having expired the Council was called to order.

The special committee of conference appointed to confer with another of equal number of the House to inform the Governor of the organization of both bodies, appeared and reported that they had complied with their commission, and that His Excellency the Governor announced to them that on next Thursday at 11 a. m. he would deliver his message to the honorable Legislative Assembly.

A vote of thanks was given to the committee upon being discharged from any further duty.

Hon. Benigno Jaramillo moved that the Public Printer of the Territory of New Mexico be admitted within this Body for the purpose of taken notes.

Which motion was agreed to.

A communication of the Secretary of the Territory was announced and received.

And on motion of honorable Diego Archuleta the communication was read; it is as follows:

TERRITORY OF NEW MEXICO,
SECRETARY'S OFFICE,
Santa Fé, N. M., December 5, 1871.

Hon. Severo Baca, President of the Council.

SIR:—I am just in receipt of a communication from your Chief Clerk, who desires that I should furnish your honorable Body with a copy of the instructions by me received from Washington, in relation to an interpreter.

I am not prohibited from paying an interpreter, but my instructions are such that I can only pay six officers for each House, and no more; it is optional for you to dispense with the services of an interpreter or any of the other officers which you have elected. As requested I herewith enclose the intructions by me received. Owing to the scarcity of the revised statutes I can only furnish one copy for the use of each House.

Respectfully your obedient servant,
H. WETTER,
Secretary.

Hon. Diego Archuleta, moved that the chief clerk be instructed to send a comunication to the Secretary of the territory, asking him for a copy of the letter by him written to the Interior Department.

When on motion of honorable Pedro Sanches, the council was adjourned until to-morrow, Wednesday, December 6, 1871 at 9 A. M.

WEDNESDAY DECEMBER, 6, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan J. Gonzales, Joseph F. Bennett, Nicanor Vigil, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

The Hon. President in compliance with the parliamentary rules adopted by the Council announced the following standing committees:

A list of the standing committees of the Legislative Council of the territory of New Mexico:

On the Judiciary—Hon. Benigno Jaramillo, Candelario Garcia and Nicanor Vigil.

On Territorial affairs—Hon. Nazario Gonzales, Pedro Sanches and Joseph F. Bennett.

On Public Printing—Hon. Vicente St. Vrain, Jesus Maria Silva and Dionicio Vargas.

On the Capital—Hon. Pedro Sanches, Nazario Gonzales and Juan José Gonzales.

On Indian affairs—Hon. Diego Archuleta, Nicanor Vigil and Jesus Maria Silva.

On Counties—Hon. Benigno Jaramillo, Candelario Garcia and Joseph F. Bennett.

On Internal improvements—Hon. Candelario Garcia, Nicanor Vigil and Vicente St. Vrain.

On Roads and Acequias—Hon. Juan José Gonzales, Nazario Gonzales and Jesus Maria Silva.

On Public Property—Hon. Joseph F. Bennett, Pedro Sanches and Candelario Garcia.

On the Library—Hon. Diego Archuleta, Nicanor Vigil and Dionicio Vargas.

On Education—Joseph F. Bennett, J. Bonifacio Chaves and Nazario Gonzales.

On Agriculture and Manufactures—Hon. Vicente St. Vrain, Jesus Maria Silva and Dionicio Vargas.

On Finance—Hon. Nazario Gonzales, Nicanor Vigil and Juan José Gonzales.

On Mines and Waste Lands—Hon. Joseph F. Bennett, Benigno Jaramillo and Diego Archuleta.

On Privileges and Elections—J. Bonifacio Chaves, Candelario Garcia and Jesus Maria Silva.

On Enrolled Bills—Hon. Vicente St. Vrain, Nicanor Vigil and Juan José Gonzales.

On Engrossed Bills—Hon. Nazario Gonzales, Pedro Sanchez and Vicente St. Vrain.

On Vice and Immorality—Hon. Juan José Gonzales, Dionicio Vargas and Jesus Maria Silva.

On motion of Hon. Vicente St. Vrain, the chief clerk was instructed to forward a list of the standing committees of the Council to the Hon. Secretary of the Territory with a request that one hundred copies thereby be printed for the use of the Council.

On motion of Hon. Nicanor Vigil, the Council took a recess for half an hour.

The time of the recess having expired the Council was called to order.

When on motion of Hon. Candelario Garcia, the Council was adjourned until to-morrow Thursday December 7, 1871, at 10 o'clock A. M.

THURSDAY, DECEMBER 7th, 1871.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names: Hons. Pedro Sanchez, Benigno Jaramillo, Dionicio Vargas, J Bonifacio Chaves, Juan José Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales, and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

A message from the House of Representatives was announced and received.

Mr. J. Bonifacio Chaves moved that the rules be suspended to take action on the business on the President's table.

Agreed to.

Business on the President's table.

The following communication of the House of Representatives, was read:

HOUSE OF REPRESENTATIVES,
Santa Fé, N. M., Dec. 6th, 1871.

Hon. Severo Baca, President of the Legislative Council:

SIR:—I have the honor to inform your Hon. Body that the House has passed the accompanying resolution, and request the concurrence of your Hon. Body concerning the appointment of a committee of conference as explained in said resolution.

Respectfully your obd't. serv't,
JESUS MARIA SENA Y BACA,
Chief Clerk of the House.

HOUSE RESOLUTION.

Resolved, That a committee of this House, consisting of three members thereof, be appointed for the purpose of asking another committee, of the same number, to be appointed from the Legislative Council, so that both committees may confer with the Governmor and Secretary of the Territory, as to the best means of appointing and paying an Interpreter for each House in order to facilitate the transaction of public business.

On motion of Mr. Candelario Garcia, the communication and

resolution were adopted, and the president announced said committee as Messrs. Vicente St. Vrain, Joseph F. Bennett, and J. Bonifacio Chaves, who were instructed to cooperate with the committee of the House, in regard to the matter.

The following communication of the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
Santa Fé, N. M., Dec. 6th, 1871.

Hon. Severo Baca, President of the Council:

SIR:—I am instructed by the House of Representatives to enclose to you a list of the officers appointed in the House of Representatives to serve during the present session.

Respectfully your obdt. serv't,
JESUS MARIA SENA Y BACA,
Chief Clerk of the House.

LIST OF OFFICERS.

M. Rudulph—President.
Jesus Maria Sena y Baca—Chief Clerk.
José Antonio Martinez y Martinez—Assistant Clerk.
Blas Chaves—Enrolling Clerk.
José P. Silva—Engrossing Clerk.
Pablo Pino—Sergeant-at-Arms.
Cleofas Chaves—Porter.

On motion of honorable Candelario Garcia, the communication and list were received.

A committee from the House of Representatives was announced and received, and through its chairman asked the cooperation of another committee, of equal number, from this Body, for the purpose of agreeing in which of the Halls, would it be proper to receive his Excellency the Governor, and hear the reading of his message.

On motion of Mr. Candelario Garcia, the committee was appointed.

The committee consisted of Messrs. Candelario Garcia, Pedro Sanchez, and Diego Archuleta.

The committee proceeded to discharge their duties, and having returned, reported that they had agreed that both bodies should

meet in the hall of the House, for the purpose of receiving the Governor's message.

The following report was made by the conference committee in regard to an Interpreter:

MR. PESIDENT :—

Your committee of conference in regard to an Interpreter, has the honor to report to this honorable Body that, they have conferred with the Governor and Secretary in regard to an Interpreter and his pay, and we have come to the conclusion that an Interpreter be appointed for each House; the Governor and Secretary have agreed to assist in getting the pay from the general Government, but in case their efforts should fail, an appropriation can be made from the Territorial Treasury.

The report of the committee was received.

Mr. Diego Archuleta moved that the appointment of Interpreter be not made until Saturday.

Agreed to.

Mr. Candelario Garcia moved, that the Council take a recess during the joint session, and that this Body proceed to the hall of the House to go into a joint session, in order to receive the Governor's message.

Agreed to.

The Council in recess; the members of the Council proceeded to the Hall of the House to go into joint session.

[The proceedings of the joint session will be found in the journal of the House of Representatives, of the 7th and 8th of December, 1871]

The joint session having been dissolved, the members of the Council proceeded to their hall.

The President called the Council to order.

A quorum being present, the Council proceeded to the dispatch of business.

On motion of Mr. Candelario Garcia, the Council adjourned until Saturday December 9th, 1871, at 10 o'clock a. m.

SATURDAY, DECEMBER 9th, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Diego Archuleta, J. Bonifacio Chaves, Juan José Gonsales, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

Hon. Benigno Jaramillo, moved a call of the Council.

Agreed to.

The roll was called and Hons. Nasario Gonsales, Pedro Sanchez and Candelario Garcia, were absent.

The doors were closed and upon motion of Hon. Diego Archuleta, the Sergeant-at-Arms, was instructed to arrest the absent members, who immediately proceeded to comply with his duty.

The Sergeant having returned with the members.

On motion of Hon. B. Jaramillo, the members were excused for not being present at the proper hour and assumed their seats.

The further call of the Council was dispensed with.

A message from the House of Representatives was annonnced and received.

Hon. Candelario Garcia, moved that the rules be suspended to take action on the business on the President's table.

Not agreed to.

Hon. Diego Archuleta, moved to proceed to the appointment of an interpreter.

Agreed to.

Hon. Nazario Gonzales, proposed as an interpreter Mr. E. J. Edgar.

Hon. Diego Archuleta, proposed for an interpreter Guadalupe Otero.

Hon. Candelario Garcia, proposed as an interpreter Don Nicolas Quintana.

The question was put the roll called and the result was as follows:

In favor of Mr. E. J. Edgar, voted Hon. N Gonzales.

In favor of Guadalupe Otero, voted Hons. Pedro Sanches, Diego Archuleta, J. B. Chaves, Juan José Gonzales, Nicanor Vigil and Mr. President, 7 votes.

In favor of Mr. Quintana, voted Hons. Dionicio Vargas, J. F. Bennett,, Candelario Garcia and Vicente St. Vrain, 4 votes.

Hon. Benigno Jaramillo, was excused from voting on this question.

Consequently Guadalupe Otero, was duly elected interpreter of this body.

Hon. Nicanor Vigil, moved that a committee of three be appointed for the purpose of requesting the Hon. Secretary of the Territory to come and administer the usual oath to the interpreter.

Agreed to.

The committee consisted of Hons. Nicanor Vigil, Juan José Gonzales and Jesus Maria Silva.

The committee having returned, reported that they had the honor to acompany the Hon. Secretary who was received and proceeded to administer the oath to the interpreter.

A message from the House of Representatives was announced and received.

Hon. Diego Archuleta, moved that the rules be suspended to take action on the business upon the president's table.

Agreed to.

Business on the President's table.

A joint resolution relative to the printing of fifteen hundred copies, in English and fifteen hundred in Spanish of the Governor's message.

Originated in the House of Representatives.

Was read the first time.

On motion of Mr. B. Jaramillo the rules were suspended and the resolution

Was read the second time.

On motion of Mr. Candelario Garcia the resolution was referred to the standing committee on public printing, with instruc-

tions to report from what fund the printing of the message would have to be paid.

A joint resolution requesting the honorable Secretary of the Territory to furnish each member of the legislative assembly with a copy of the Constitution of the United States, the Organic Act of this Territory, the revised statutes and the laws passed by the last session of the legislative assembly.

Originated in the House.

Was read the first time.

On motion of honorable Pedro Sanchez, the rules were suspended and the resolution

Was read the second time.

Hon. Diego Archuleta, moved that all that part of the resolutions from the words to be returned to the end be stricken out.

Agreed to.

On motion of honorable Benigno Jaramillo, the resolution as amended

Was read the third time and passed.

Mr. Vicente St. Vrain made the following report.

MR. PRESIDENT:

Your standing committee on public printing to whom was referred the joint resolution relative to the printing of the Governor's Message in both languages has had the same under consideration and after due deliberation have the honor to report to this honorable body.

That considering it to be a matter of vital importance to the Territory and looking over the population thereof recommend that one thousand copies be printed in English and two thousand in Spanish.

VICENTE ST. VRAIN,
Chairman of the Committee.

On motion of honorable Nicanor Vigil, the report of the committee was adopted.

Hon. Diego Archuleta, made the following amendment:

Provided that no payment shall be made out of the territorial treasury.

Agreed to.

On motion of honorable Benigno Jaramillo, the resolution as amended

Was read the 3d. time and passed.

On motion of honorable Candelario Garcia, the Council was adjourned until next Monday December 11, 1871, at 10 o'clock A. M.,

MONDAY, DECEMDER 11, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, Juan Jose Gonzales, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

The President called the order of the day. Petitions and memorials.

None.

Reports of standing committees.

None.

Resolutions of the Council.

None.

Introduction of bills and joint resolutions.

Hon. Benigno Jaramillo presented a bill No. 1, reducing the expences of the Territory.

Which was read the first time.

On motion of honorable Dionicio Vargas the rules were suspended and the act was read the second time.

On motion of honorable Pedro Sanchez the act was referred to the standing committee on the judiciary.

When on motion of honorable Candelario Garcia the Council adjourned until two o'clock p. m.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

The roll was called and a quorum being present the Council proceeded to the dispatch of business.

Introduction of bills and joint resolutions being still in order.

Hon. Candelario Garcia presented a bill No. 2, fixing the boundaries of the counties of Socorro and Doña Ana.

Which was read the first time.

And on motion of Mr. Garcia from Socorro the rules were suspended and the bill was read the second time.

And on motion of Hon. J. B. Chaves the bill was referred to the standing committee on counties.

Hon. Benigno Jaramillo made the following motion.

Mr. President, I move that the Chief Clerk be instructed to address a communication to the honorable Secretary of the Territory asking him information whether there is any committee rooms ready for the different committees of this body to meet and deliberate upon their respective duties.

Agreed to.

The Chief Clerk was so instructed.

When on motion of honorable Benigno Jaramillo the Council adjourned until Wednesday, December 13th at 10 o'clock a. m.

WEDNESDAY, DECEMBER 13, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, Juan José Gonzales, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day, Monday the 11th instant, was read and approved.

Petitions and memorials were announced in order.

None.

A communication was announced and received.

The honorable President announced that the Secretary of the Territory had informed him that he had prepared committee rooms at Maj. José D. Sena's.

Reports of standing committees in order.

Hon. Benigno Jaramillo made the following report.

MR. PRESIDENT:

The standing committee on counties to whom was referred an "Act" entitled An Act fixing the boundaries of the counties of Doña Ana and Socorro" has had the same under consideration, and after mature examination most respectfully recommends its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Dionicio Vargas the report of the committee was adopted.

On motion of honorable Candelario Garcia the rules were suspended and the act was read the 3d time and passed.

The Chief Clerk of the House of Representatives made his appearance and respectfully requested the signature of the President to the following resolutions.

"A joint resolution relative requesting the Secretary of the Territory to furnish the members of the Legislative Assembly with all the Territorial laws."

"A joint resolution relative to the printing of the Governor's Message, which originated in the House."

The President announced having signed the above mentioned resolutions.

Hon. Benigno Jaramillo moved that the rules be suspended to take action on the business on the President's table out of order.

Agreed to.

Business on the President's table.

A special act defining the boundaries of certain lands in precinct number 1, of the county of Taos originated in the House of Representatives.

Was read the first time.

On motion of honorable Nicanor Vigil the rules were suspended, and

The act was read the 2d time.

Hon. Pedro Sanchez offered the following amendment:

Amendment.

Insert "Be it enacted by the Legislative Assembly of the Territory of New Mexico."

Adopted.

On motion of honorable Nicanor Vigil the act so amended was referred to the standing committee on counties.

A joint resolution requiring the Secretary of the Territory to print 100 copies of the accompanying memorial, originated in the House of Representatives.

Was read the first time.

On motion of honorable Benigno Jaramillo the resolution was indefinitely laid on the table.

A memorial to the general Congress of the United States asking the increase of per diem for the members of the Legislative Assembly originated in the House of Representatives.

Was read the first time.

On motion of honorable Dionicio Vargas the rules were suspended, and the memorial.

Was read the second time.

On motion of honorable Pedro Sanchez the memorial was referred to the standing committee on the capital.

When on motion of honorable Candelario Garcia the Council adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

The roll was called, and a quoroum being present the Council proceeded to the dispatch of business.

Reports of the standing committees in order.

None.

Reports of special committees in order.

Hon. Benigno Jaramillo in behalf of the Assistant Clerk, Rafael Lucero, made the resignation of said Clerk setting forth that his private business prevented him from any further attendance as Clerk, requesting that it be accepted, thanking the Council for the kindness with which he has been treated.

On motion of honorable Pedro Sanchez the resignation was accepted.

The President announced that the office af Assistant Clerk was vacant, and it was proper to proceed to the appointment of an Assistant Clerk.

Mr. Pedro Sanchez proposed as Assistant Clerk of this body Mr. Vicente Archuleta.

And there being no objection Mr. Vicente Archuleta was unanimously elected Assistant Clerk of this body.

Mr. Nicanor Vigil moved that a committee of three members be appointed to request the honorable Secretary of the Territory to come and administer the oath of office to Mr. Archuleta.

Agreed to.

The committee consisted of Messrs. Nicanor Vigil, Jesus Ma. Silva and Vicente St. Vrain who proceeded to comply with their commission.

On motion of honorable Diego Archuleta the Council took a recess during the absence of the committee.

The committee having returned the Council was called to order and the honorable Secretary of the Territory proceeded to administer the oath to the Assistant Clerk, Vicente Archuleta.

The President of behalf of the Council tendered a vote of thanks

to the Secretary and instructed the committee to accompany him to his residence.

Bills and joint resolutions were announced in order.

Mr. Benigno Jaramillo presented a bill No. 3, to raise revenue and protect the mercantile business of this Territory.

The bill was read the first time.

And on motion of honorable Benigno Jarmillo the rules were ruspended and the act was read the 2d time.

A message from the House of Representatives was announced and received.

Hon. José B. Chaves moved that the bill be referred to the standing committee on public printing.

Hon. Dionicio Vargas moved that the bill be referred to the standing committee on Territorial affairs.

Several members discussed the motion of reference.

Hon. Benigno Jaramillo asked leave to speak a 3d time.

Granted.

Hon. Pedro Sanchez was permitted to speak the 3d time on the referance of the act.

Hon. Dionicio Vargas was permitted to speak a 3d time on the reference of the act.

Hon. Pedro Sanchez moved an adjournment until to-morrow at 10 o'clock a. m.

Hon. Dionicio Vargas called the yeas and nays.

The question was put the roll was called and the result was as follows :

In the affirmative voted, honorables J. B. Chaves, Juan José Gonzales, Nazario Gonzales, Candelario Garcia, Pedro Sanches, Jesus Ma. Silva, and Nicanor Vigil, seven.

In the negative voted, honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, Benigno Jaramillo, Vicente St. Vrain and Mr. President, six votes.

Consequently the Council was adjourned until to-morrow, Thursday, December 14, 1871 at 10 o'clock, a. m.

THURSDAY, DECEMBER 14th, 1871.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names: Hons. Pedro Sanchez, Benigno Jaramillo, Dionicio Vargas, J. Bonifacio Chaves, Juan José Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales, and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

None.

Mr. Benigno Jaramillo moved, that the rules be suspended to allow the honorable Joseph F. Bennett, to present a joint resolution, out of order.

Agreed to.

Mr. Joseph F. Bennett introduced—

A joint resolution relative to sending the Governor three hundred copies of his message, together with a copy of this resolution, and authorizing him to distribute them among the different departments of the government.

Which was read the first time.

On motion of Mr. Candelario Garcia, the rules were suspended and the resolution

Was read the second time.

On motion of Mr. Candelario Garcia, the rules were further suspended, and the resolution

Was read the third time and passed.

Bills and joint resolutions in their first reading were announced in order by the President.

None.

Bills and joint resolutions in their second reading were announced in order by the President.

None.

Mr. Candelario Garcia moved to take into consideration out

of order a bill (No. 3) entitled "an act to increase the revenue and protect the mercantile business of this Territory," and that at the same time it be read for the information of the Council.

Agreed to.

Consequently the act was read.

A communication from the House of Representatives was announced and received.

Mr. Pedro Sanchez moved that the act No. 3 be referred to the standing committee on Public Printing, with instructions to send it through the chief clerk to be printed.

Agreed to.

The act was referred to the said committee.

Mr. Pedro Sanchez, with suspension of the rules, introduced the following resolution:

Resolved, That all acts introduced in the Council during the present session be, and are hereby ordered to be printed in both languages for the information of the members.

On motion of Mr. Candelario Garcia, the resolution was adopted.

A message from the House of Representatives was announced and received.

Mr. Candelario Garcia moved that the rules should be suspended to take action on the business on the President's table, out of order.

Agreed to.

Business on the President's table.

The following communication of the Secretary of the Territory was read, and it is as follows:

TERRITORY OF NEW MEXICO,
SECRETARY'S OFFICE,
Santa Fé, N. M., Dec. 14th, 1871.

Hon. Severo Baca, President of the Legislative Council:

SIR:—I am just in receipt of a joint resolution, requesting me to furnish each member of the Legislative Assembly with a copy of the Constitution of the United States, the Organic Act, and the revised statutes, together with all other laws passed up to this date; I send herewith copies of the Conssitution of the

United States and the Organic Act of this Territory, but I am unable to furnish the laws as requested for the reason that I have but a single copy in my office.

Respectfully your obdt. serv't.
H. WETTER,
Secretary of the Territory.

On motion of honorable Candelario Garcia, the communication was received. It announced that

A bill fixing the boundaries of the counties of Socorro and Doña Ana.

Originated in this body, the House of Representatives concurred in its passage.

A joint resolution to send the Governor three hundred copies of his message, to distribute them among the different departments.

Originated in this Body, the House of Representatives concurred in its passage with the following amendment:

"After the word 'Legislature' in the second line insert, 'of the Territory of New Mexico.'"

On motion of Mr. Candelario Garcia, the amendment was adopted.

A special act providing for the construction of a bridge across the Pecos river, in precinct No. 3, of the county of San Miguel.

Originated in the House of Representatives.

Was read the first time.

On motion of Mr. Pedro Sanchez, the rules were suspended, and the act

Was read the second time.

Mr. J. Bonifacio Chavez moved that the act should be referred to the standing committees on Internal Improvements.

Not agreed to.

On motion of Hon. Benigno Jaramillo, the act was referred to the standing committee on Counties.

Mr. Dionicio Vargas moved to adjourn until to-morrow at ten o'clock a. m.

Not agreed to.

The same honorable Dionicio Vargas moved to adjourn until half past two o'clock this afternoon.

The ayes and noes were called for.

Yeas, 6—nays, 7.

The question was put, the roll called, and the result was as follows, to wit:

Those who voted in the affirmative were the honorables, Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, and Vicente St. Vrain.

Those who voted in the negative were the honorables, Diego Archuleta, J. Bonifacio Chaves, Juan Jose Gonzales, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil, and the President.

Consequently the Council did not adjourn.

When on motion of Mr. Candelario Garcia, the Council adjourned until to-morrow, Friday, at 10 o'clock a. m.

FRIDAY DECEMBER, 15th. 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan J. Gonzales, Joseph F. Bennett, Nicanor Vigil, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Order of the day.

Petitions and memorials were announced in order.

Hon. Vicente St. Vrain, presented a memorial asking for a

committee of investigation and determination on the matter of land grants in New Mexico.

Which was read the first time.

On motion of honorable Candelario Garcia, the rules were suspended and the memorial

Was read the 2d. time and order to be printed.

Hon. Bonifacio Chaves, moved that a special committee of three be appointed with instruction to confer with another of number from the House and consult the propriaty of drafting a rule to create a committee on rail-roads.

Agreed to.

The committee consisted of Hons. José B. Chaves, Candelario Garcia and Vicente St. Vrain.

Hon. Benigno Jaramillo, begged to be excused from attending the sessions of to-day and to-morrow.

Agreed to.

Consequently honorable Benigno Jaramillo, was excused from.

Reports of standing committees were anounced in order.

None.

Reports of special committees were announced in order.

None.

Resolutions of this body were announced in order.

None.

Introduction of bills and joint resolutions were announced in order.

Hon. José B. Chaves, presented a bill No. 4, to establish a Divorce law in the Territory of New Mexico.

Which was read the first time.

On motion of honorable Candelario Garcia, the rules were suspended and the act

Was read the second time and ordered to be printed.

Hon. José B. Chaves, introduced—

A bill No. 5, for the protection of lands in litigation

Which was read the first time.

On motion of honorable Nicanor Vigil, the rules were suspended and the bill

Was read the 2d. time and ordered to be printed.

Hon. Joseph F. Bennett, introduced—

A bill No. 6, entitled an act providing for the appointment of appraisers to assess the value of real estate upon which times of rail-roads may run through this Territory.

Which was read the first time.

On motion of honorable José B. Chaves, the bill was referred to the translator to be translated into Spanish.

Hon. Joseph F. Bennett, introduced—

A bill authorizing Aliens to hold real estate in this Territory

Which was read the first time.

On motion of honorable José B. Chaves, the rules were suspended and the act

Was read the 2d. time and referred to be printed.

Hon. Diego Archuleta, in the chair.

Hon. Severo Baca, introduced—

A joint resolution relative to the printing of the proceedings of both houses in both languages.

Was read the first time.

On motion of honorable J. B. Chaves, the rules were suspended and the resolution

Was read the 2d. time.

On motion of honorable Candelario Garcia, the rules were further suspended and the resolution

Was read the 3d. time and passed.

On motion of honorable Candelario Garcia, the rules were suspended to take action on the business on the President's table.

Business on the President's table.

An act annulling precinct No. 3, in Grant county, establishing an additional precinct No. 3, and changing the county seat of Grant county.

Originated in the House of Representatives.

Was read the first time.

On motion of honorable Dionicio Vargas, the rules were suspended and the act

Was read the 2d. time.

Hon. José B. Chaves, moved that the act be referred to the standing committee on counties.

Hon. Candelario Garcia, called the ayes and noes on the question.

The question was put the roll called and the result is as follows:

Ayes 9—noes 3.

Those who voted in the affirmative were Hons. Diego Archuleta, Joseph F. Bennett, José B. Chaves, Juan José Gonzales, Candelario Garcia, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. Dionicio Vargas, Nazario Gonzales and Vicente St. Vrain.

Consequently the act was referred to the standing committee on counties.

Hon. Severo Baca, moved that the the Council adjourn until to-morrow at 10 o'clock A. M.

Agreed to.

Consequently the Council adjourned until to-morrow at 10 o'clock A. M.

SATRUDAY, DECEMBER 16, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan Jose Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Ma. Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Order of the day.

Petitions and memorials were announced in order.

Hon. Diego Archuleta presented the following petition:

To the Hon. Legislative Council:

Your petitioner the undersigned respectfully asks that the Hon. Council be pleased to examine the matter of the contested seat of honorable Juan Gonzales, of Bernalillo, and that justice may be done in the matter.

WM. T. STRACHAN,
Petitioner.

Santa Fé, N. M., Dec. 16, 1871.

The petition having been read.

Hon. Diego Archuleta moved that all papers pertaining to the contestant be read.

Agreed to.

The papers were read.

Hon. Pedro Sanchez presented the papers in behalf of the contest, which were read.

Hon. Pedro Sanchez moved that all the papers in relation to this contest, together with the petition be referred to the standing committee on Elections.

Hon. Nazario Gonzales in the chair.

Hon. Severo Baca moved that the petition and papers on this contest be referred to the standing committee on Elections, with instructions to immediately proceed to investigate the matter and report as soon as practicable.

Hon. Dionicio Vargas called the yeas and nays in the question.

The question was put, the roll was called and the result is as follows:

Ayes 5—noes 6.

Those who voted in the affirmative were Hons. José B. Chaves, Pedro Sanchez, Jesus Ma. Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. Diego Archuleta,

Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, Candelario Garcia and Vicente St. Vrain.

It was desided that Mr. Juan José Gonzales had no right to vote.

Therefore the papers were not referred.

Hon. Pedro Sanchez moved a call of the Council.

Not agreed to.

Hon. Pedro Sanchez moved that the Council adjourn until 2 o'clock p. m. to-day.

Not agreed to.

The Hon. President in the chair.

Hon. Nicanor Vigil moved an adjournment of the Council until next Monday at 11:30 a. m.

The ayes and noes being called for.

The roll was called and the result is as follows ::

Ayes 6—noes 6.

Those who voted in the affirmative were Hons. José B. Chaves, Juan José Gonzales, Pedro Sanches, Jesus Ma. Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, Candelario Garcia and Vicente St. Vrain.

The vote being even the Council was not adjourned.

Hon. Diego Archuleta presented the following resolution.

Whereas, it appears clearly from the evidence read before the Council that Mr. William T. Strachan received a majority of the legal votes of the county of Bernalillo in the election held in said county, on the 4th day of September, 1871, for the office of Senator from said County.

Therefore, be it resolved, by the Legislative Council of New Mexico that Mr. Juan José Gonzales is not entitled to his seat as Senator from the county of Bernalillo in the Legislative Council.

Resolved further, That Hon. William T. Strachan is entitled to his seat as Senator from Bernalillo county in the Legislative Council.

Resolved further, That a committee of three be appointed at once to request the Hon. Secretary of the Territory to administer the oath to the said W. T. Strachan.

Which was read.

Hon. José Bonifacio Chaves moved that the petition together with all the papers in the contest be indefinitely laid on the table.

Not Agreed to.

Hon. Candelario Garcia moved the adoption of the petition.

Hon. Nazario Gonzales in the chair.

A committee from the House of Representatives was announced and received.

Hon. Candelario Garcia moved the previous question and called for the ayes and noes.

The question was put, the roll was called and the result is as follows:

Ayes 6—noes 3.

Those who voted in the affirmative were Messrs. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, Candelario Garcia and Vicente St. Vrain.

Those who voted in the negative were Messrs. Severo Baca; absent two, excused.

Consequently the petition was adopted.

Hon. Pedro Sanchez moved that a committee be appointed to notify Mr. Strachan that he has been declared entitled to his seat as Senator from Bernalillo county.

Agreed to.

The committee consisted of Hons. Pedro Sanchez, Diego Archuleta and Candelario Garcia.

The committee reported to have notified Mr. Strachan, and that they had the honor to accompany him.

The Hon. Secretary of the Territory being present he was requested by the President to administer the oath to Hon. W. T. Strachan.

Who after taking the oath assumed his seat.

The President tendered a vote of thanks to the Hon. Secretary.

On motion of Hon. Candelario Garcia the Council adjourned until Monday, December 18, 1871, at 10 o'clock, a. m.

MONDAY, DECEMBER, 18th, 1871.

The Council met pursuant to adjournment.

The roll was was called, and the following members answered to their names, to wit: Hons. Diego Archuleta, Joseph F. Bennett. Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Nazario Gonzales. Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil, and the President.

A quorum being present the Council proceeded to the dispatch of business.

Saturday's journal was read.

Mr. Benigno Jaramillo, called for the yeas and nays, on the adoption of the journal.

The question was put, the roll called and the result was as follows, to wit:

Ayes, 11— noes, 2.

Those who voted in the affirmative were honorables. Joseph F. Bennett, Dionicio Vargas. Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil, Diego Archuleta, and the President.

Those who voted in the negative were honorables, J. Bonifacio Chaves. and Benigno Jaramillo.

Consequently, Saturday's journal was approved.

Petitions and memorials were announced in order.

None.

Mr. Pedro Sanchez, moved to adjourn the Council, until tomorrow at 10 o'clock a. m.

Mr. Dionicio Vargas called for the yeas and noes.

The question was put, the roll called, and the result was as follows, to wit:

Yeas, 11—noes, 2.

Those who voted in the affirmative were honorables Diego Archuleta, Joseph F. Bennett, Nazario Gonzales, Dionicio Vargas, Wm. T. Strachan, Candelario Garcia, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil, Vicente St. Vrain, and the President.

Those who voted in the negative were honorables, J. Bonifacio Chaves, and Benigno Jaramillo.

Consequently the Council adjourned until to-morrow, Tuesday, at 10 o'clock a. m.

TUESDAY, DECEMBER 19th. 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches. Benigno Jaramillo. Dionecio Vargas, Diego Archuleta, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

The President announced that he had amended the list of the standing committees having put honorable Wm. T. Strachan, in all the committees where Mr. Gonzales was.

Petitions and memorials were announced in order.

None.

Reports of standing committees were anounced in order.

Hon. Benigno Jaramillo, made the following report.

Mr. PRESIDENT:—

The standing committees on counties to which was referred—An act defining the boundaries of certain lands in precinct No. 1. of the county of Taos. has the honor to report to this honorable body that they have the same in consideration, and finding that the same is to the satisfaction and wishes of the members

for the county of Taos, and as it is an especial act for said county therefore we recommend its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Nicanor Vigil, the report of the committee was adopted.

Hon. Benigno Jaramillo, made the following report:

MR. PRESIDENT:—

The standing committee on counties to which was referred:—

An act special, providing for the construction of a Bridge over the Pecos River in precinct No. 3, of the county of San Miguel, has had the same under consideration and after a serious examination most respectfully recommend its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Candelario Garcia, the report of the committee was adopted.

Hon. Benigno Jaramillo, moved the suspension of the rules so that the act

Would be read the 3d. time out of order.

Agreed to.

The act was read the 3d. time, and passed.

Reports of special committees were announced in order.

None.

Resolutions of this body were announced in order.

None.

Introduction of bills and joint resolutions were announced in order.

Hon. Diego Archuleta, introduced—

A bill No. 9, entitled an act ammending the revenue laws of the Territory of New Mexico

Which was read the first time.

Hon. Diego Archuleta, moved that the rules be suspended and the act

Was read the second time, out of order.

Hon. Candelario Garcia, called the ayes and noes on the question.

The question was put, the roll called and the result is as follows:

Ayes 11—noes 2.

Those who voted in the affirmative were Hons. Diego Archuleta, Joseph F. Bennett, José B. Chaves, Wm. T. Strachan, Nazario Gonzales, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. Dionicio Vargas, and Candelario Garcia.

Consequently the rules were suspended.

The act was read the second time, and sent to be printed.

Hon. J. Bonifacio Chaves, moved that the act after being returned from the printer be referred to a committe of the whole.

Hon. Candelario Garcia, moved that the act be referred to the standing committee on education.

The motion on referring the act to the standing committee on education was put, it being of preference and was adopted.

Consequently the act was referred.

Hon. J. B Chaves, moved that the rules should be suspended to take action on the business on the President's table, out of order.

Agreed to.

Business on the President's table.

A joint resolution relative to the printing of the proceedings of both houses in both languages.

Originated in this Boby, the House concurred in its passage without any amendment.

A special act for the county of Lincoln.

Originated in the House of Representatives.

Was read the first time.

Hon. J. Bonifacio Chaves, moved the suspension of the rules to take action on bills on their 3d. reading, out of order.

Agreed to.

A special act defining the boundaries of certain lands in precinct No. 1, of Taos. county.

Originated in the House of Representatives.

Was read the 3d. time and passed.

A bill No. 4, to establish a Divorce law in the Territory of New Mexico.

Originated in the Council.

Was read the 3d. time.

Hon J. Bonifacio Chaves, moved the passage of the act.

Hon. Benigno Jaramillo, proposed that the motion of Mr. Chaves, from the county of Valencia, be referred to the committee on vice and immorality.

Hon. Nazario Gonzales, in the chair.

Hon. Severo Baca. moved that the act be referred to a special committee.

Hon. Benigno Jaramillo, with permision of the Council, withdraw his motion of reference.

Hon. Pedro Sanchez, moved that the act be referred to the standing committee on vice and inmorality

Hon. Dionicio Vargas, called the ayes and noes on referrence.

The question was put the roll called and the result is as follows:

Ayes 1—noes 12.

Those who voted in the affirmative were Hon. Candelario Garcia.

Those who voted in the negative were Hons Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Nazario Gonzales, Benigno Jaramillo, Pedro Sanches, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Consequently the act was not referred.

Hon. Benigno Jaramillo. gave notice that having voted in the majority, he would moved a reconsideration of the vote to-morrow.

The question on the motion of referring the act to a special committee was put

The ayes and noes, were called.

The question was put, the roll called and the result was as follows:

Ayes 5 —noes 8.

Those who voted in the affirmative were Hons Joseph F. Bennett. Candelario Garcia, Benigno Jaramillo, Vicente St. Vrain and Mr President.

Those who voted in the negative were Hons. Diego Archuleta, Dionicio Vargas, J. Bonifacio Chaves, Wm. T Strachan, Nazario Gonzales, Pedro Sanchez, Jesus M. Silva and Nicanor Vigil.

Consequently the act was not referred.

Hon. Dionicio Vargas, moved that the act be referred to the standing committee on Territorial affairs.

Hon. Dionicio Vargas, called the ayes and noes.

Hon. Pedro Sanchez, moved that the Council be adjourned until to-morrow at 10 o'clock.

Hon. Dionicio Vargas, called the ayes and noes on the question.

The question was put the roll called and the result is as follows:

Ayes 7—noes 6.

Those who voted in the affirmative were Hons. Joseph F. Bennett, Dionicio Vargas, J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus M. Silva and Mr. President.

Those who voted in the negative were Hons. Diego Archuleta, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain and Nicanor Vigil.

Consequently the Council adjourned until to-morrow, Wednesday at 10 o'clock A M.

WEDNESDAY, DECEMBER 20, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day, Tuesday the 19th instant, was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees.

None.

Resolutions of the Council.

None.

Introduction of bills and joint resolutions.

Mr. Jaramillo informed the Council that he had come to the conclusion not to reconsider his vote as announced the previous day, having satisfied himself of the proceeding in the matter.

Hon. Diego Archuleta introduced—

A bill (No. 10) establishing and fixing a house of observation on frontiers of the different counties of this Territory.

Which was read the first time.

On motion of Mr. Benigno Jaramillo, the act was referred to be printed.

Bills and joint resolutions in their second reading were announced in order.

A special act for the county of Lincoln.

Originated in the House of Representatives.

Was read the second time.

Mr. Candelario Garcia offered the following amendment: where it reads, "portion," to read "all that part."

Which amendment was adopted.

On motion of honorable Candelario Garcia, the rules were suspended and the act

Was read the 3d. time and passed.

Bills and joint resolutions on their third reading were announced in order.

An act (No. 7) allowing aliens to hold real estate in this Territory.

Was read the third time.

Mr. Pedro Sanchez moved the passage of the act.

The ayes and noes were called for.

Yeas, 10—nays, 2.

The question was put, the roll called, and the result was as follows, to wit:

Those who voted in the affirmative were the honorables, Diego Archuleta, Joseph F. Bennett, J. Bonifacio Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, and Nicanor Vigil.

Those who voted in the negative were the honorables, Dionicio Vargas, and the President.

Mr. Benigno Jaramillo was excused from voting.

Consequently the act passed.

A memorial asking the Congress of the United States to appoint a committee to investigate the public land claims.

Was read the third time.

On motion of Hon. Joseph F. Bennett, the memorial was referred to a special committee, which consisted of honorables Bennett, Chaves and St. Vrain.

An act (No. 5) for the division of lands in controversy.

Originated in this body.

Was read the 3d. time.

Mr. J. Bonifacio Chaves moved the passage of the act.

Mr. Benigno Jaramillo called for the yeas and nays.

The question was put, the roll called and the result was as follows:

Ayes, 2—noes, 10.

Those who voted in the afirmative were the honorables, J. F. Bennett, and J. B. Chaves.

Those who voted in the negative were the honorables, Diego Archuleta, Dionicio Vargas, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Therefore the act did not pass.

On motion of Mr. Candelario Garcia the act was referred to the standing committee on the Judiciary.

On motion of honorable Diego Archuleta, the rules were suspended to take action on the business on the President's table.

Business on the President's table.

An act (No. 4) to establish a divorce law in the Territory of New Mexico, having been read the third time, it was read again for the information of the Council.

Mr. Benigno Jaramillo moved that the act be referred to the standing committee on the Capital.

Mr. Dionicio Vargas asked for the yeas and nays on the question.

The question was put, the roll called, and the result was as follows:

Ayes. 8—noes, 5.

Those who voted in the affirmative were the honorables Diego Archuleta. Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil, and the President.

Those who voted in the negative were the honorables, Joseph F. Bennett. Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, and Vicente St. Vrain.

Therefore, the act was referred to the standing committee on the Capital.

A communication from the Hon. Probate Judge of Socorro county. in reference to schools in that county. was read.

A communication from the Probate Judge of Rio Arriba county, in reference to Indian depredations. was read.

On motion of honorable Candelario Garcia, both communications were received.

Mr. Candelario Garcia moved, that the communication of the Probate Judge of Socorro county, be referred to the standing committee on Education, and the communication of the Probate Judge of Rio Arriba county, be referred to the standing committee on Indian Affairs.

Agreed to.

Consequently, both communications were referred according to the motion adopted

Mr. Candelario Garcia moved that the Chief Clerk be instructed to address a communication to the Secretary of the Territory, requesting him to send to the Legislative Assembly all communications that he may have received from the different Probate Judges of the Territory.

Agreed to.

The Chief Clerk was instructed to address the communication.

Mr. Benigno Jaramillo, with suspension of the rules, made the following report:

MR. PRESIDENT:

Your standing committee on Counties to whom was referred—

An act amending precinct No. 3, in Grant county, establishing an additional precinct No. 3, and changing the county seat of Grant county.

Have had the same under examination and respectfully recommend its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Nicanor Vigil, the report of the committee was adopted.

On motion of honorable Candelario Garcia the rules were suspended and the act was read the 3d time and passed.

Mr. Benigno Jaramillo made the following motion:

I move that, if any member has any papers relative to any contest of election, the same be presented before this body, which I move to be referred to the standing committees on privileges and elections, and that it proceed immediately to an investigation and take all the evidence in the matter.

Hons. Pedro Sanchez and Nicanor Vigil presented to the Council the notices of contest to their seats as senators, which had been given to them.

The motion having been adopted, therefore, the papers were referred to the standing committee on Privileges and Elections.

Hon. Candelario Garcia, moved that the Council adjourn until to-morrow at 10 o'clock A. M.

Agreed to.

Consequently the Council adjourned until to-morrow, Thursday, at 10 o'clock a. m.

THURSDAY, DECEMBER 21, 1871.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names: Hons. Pedro Sanchez, Benigno Jaramillo, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales, and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

On motion of Mr. Diego Archuleta a message from the House of Representatives was announced and received.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

Hon. Pedro Sanchez made the following report.

SIR—The standing committee on the capital to whom was referred an act to establish a divorce law in the Territory of New Mexico have the honor to report to this Hon. body that they have had the same under consideration, and have ammended the same as follows: Strike out to "establish," and insert "to limit," and also submit two additional sections, which are numbered 2d and 3d, and section 2d of the act to be section 4th to be placed at the end of the act, all of which is respectfully submitted to this body for its consideration, an l respectfully recommend the adoption of the amendments and the passage of the act.

PEDRO SANCHEZ,
Chairman.

Hon. Nicanor Vigil moved the adoption of the report.

The yeas and nays were called.

The question was put the roll was called and the result was as follows:

Ayes 10—noes 3.

Those who voted in the affirmative were honorables Diego Archuleta, Joseph F. Bennett, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vicente St. Vrain and Nicanor Vigil.

Those who voted in the negative were honorables Dionicio Vargas, Candelario Garcia and Mr. President.

Consequently the report was adopted.

Hon. Candelario Garcia moved that the act together with the amendments be referred to the standing committee on the library.

After a long discusion Hon. Candelario Garcia with the permission of the Council withdrew his motion.

Hon. Candelario Garcia moved that the words "to limit" be adopted and the other amendments be rejected.

The motion was adopted.

Consequently the words "to limit" were inserted in title of the act, and the word "to establish" stricken out.

Hon. Candelario Garcia moved the passage of the act so amended.

The ayes and noes were called on the question.

The question was put, the roll was called and the result was as follows:

Ayes 10—noes 2.

Those who voted in the affirmative were honorables Diego Archuleta, Joseph F. Bennett, J. B. Chaves, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Pedro Sanchez, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Those who voted in the negative were honorables Dionicio Vargas and Benigno Jaramillo.

Consequently the act passed.

Reports of special committees in order.

None.

Resolutions of the Council in order.

None.

Hon. Benigno Jaramillo moved a suspension of the rules to take action on busines on the President's table.

Agreed to.

A memorial originated in the House of Representatives to Con-Congress of the United States asking a certain amount of land warrants for school purposes in this Territory.

Was read the first time.

On motion of Hon. Benigno Jaramillo the memorial

Was read the second time.

Hon. Benigno Jaramillo, moved that the name of W. F. M. Arny, be stricken out from the resolutions and the name of A. P. Sullivan inserted in its place.

Agreed to.

Consequently the name of W. F. M. Arny, was stricken out and that of A. P. Sullivan, inserted.

On motion of honorable J. Bonifacio Chaves, the memorial was referred to the standing committee on education.

When on motion of honorable Pedro Sanchez, the Council adjourned until to-morrow at 10 o'clock a. m.

FRIDAY DECEMBER, 22. 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Diego Archuleta. J. Bonifacio Chaves. Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees in order.

None.

Reports of special committees were announced in order.

Hon. Joseph F. Bennett, made the following report—

MR. PRESIDENT:

The special committee to which was referred

A memorial to the United States, has had the same nnder consideration and ask permission to report a substitute instead of the original.

JOSEPH F. BENNETT,
Chairman of the Committee.

Hon. Candelario Garcia, moved that the report of the committee be adopted and the substitute to the memorial be received.

Agreed to.

The substitute to the memorial.

Was read the first time.

A committe from the House of Representatives was announced and received.

On motion of Mr. B. Jaramillo the rules were suspended and the memorial

Was read the second time out of order.

Agreed to.

The memorial was read the 2d. time.

Hon. Benigno Jaramillo moved that the memorial be referred to the interpreter for translation.

Agreed to.

Mr. Benigno Jaramillo, moved that the rules be suspended and the memorial read the 3d. time out of order.

Agreed to.

The memorial was read the 3d. time and passed.

Hon. J. Bonifacio Chaves, moved that the rules be suspended to make a report of a standing committee out, of order.

Agreed to.

Hon. Joseph F. Bennett, made the following report:

MR. PRESIDENT:

The standing committee on education to which was referred

A memorial to the Senate and House of Representantives of the United States, has the honor to report that having had the same under consideration, and beleiving that it may prove benef-

cial to the Territory most respectfully recommend its passage without amendment.

JOSEPH F. BENNETT,
Chairman of the Committee.

On motion of Hon. Candelario Garcia, the report was adopted.

Hon. Benigno Jaramillo, moved that the rules be suspended and the memorial

Was read the 3d. time, out of order.

Agreed to.

The memorial was read the 3d. time.

Hon. J. F. Bennett, moved the passage of the memorial.

Hon. Diego Archuleta, moved that the names of Marsh Gidding's Governor and A. P. Sullivan be stricken out of the resolutions.

The ayes and noes were called on the motion.

The question was put, the roll called and the result is as follows:

Ayes 6—noes 7.

Those who voted in the affirmative were Hons. Diego Archuleta, Dionicio Vargas, José B. Chaves, Pedro Sanchez, Josus Maria Silva and Nicanor Vigil.

Those who voted in the negative were Hons. Joseph F. Bennett, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Vicente St. Vrain, and Mr. President.

Consequently the names were not stricken out.

Hon. Candelario Garcia, moved that the memorial be laid on the table until Wednesday the 27, instant to take it under consideration for its pasage.

Agreed to.

The memorial was laid upon the President's table until Wednesday the 27, instant for final action.

Resolutions of the Council were announced in order.

None.

Introduction of Bills and joint resolution were announced in order.

Hon. Joseph F. Bennett, introduced—

An act No. 11, to authorize counties aid in the construction of rail-roads.

Which was read the first time and order to be printed.

Hon. Benigno Jaramillo, moved that the rules be suspended to take action on the business upon the President's table.

Agreed to.

When on motion of honorable Candelario Garcia the Council adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

The roll was called, and a quorum being present the Council proceeded to the dispatch of business.

Introduction of bills and joint resolutions being still in order.

Hon. J. Bonifacio Chaves, mnved that the Chief Clerk be instructed to forward a comunication to the House of Representatives, announcing to that Body, that this Body has appointed a special committee to confer with another of that Body to create a committee on Rail-Roads.

Agreed to.

The Clerk was so instructed.

Hon. Dionicio Vargas, introduced—

An act No. 12, in relation to the Hot Springs of Precinct No. 12, in the county of Rio Arriba.

Was read the first time and referred to be printed.

Hon. Benigno Jaramillo moved that the rules be suspended to take action on the business on the President's table, out of order.

Agreed to.

Business on the President's table.

An act declaring certain real estate exempt from execution and attachment

Originated in the House of Representatives.

Was read the first time.

Hon. Pedro Sanchez, moved that the rules be suspended and the act

Was read the second time.

Hon. Dionicio Vargas, moved that the act be referred to the standing committee on Territorial affairs.

The ayes and noes, were called.

The question was put, the roll called and the result was as follows:

Ayes 2.—noes 11.

Those who voted in the affirmative were Hons. Joseph F. Bennett and Dionicio Vargas.

Those who voted in the negative were Hons. Diego Archuleta, J. Bonifacio Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Vicente St. Vrain, Pedro Sanchez, Jesus M. Silva, Nicanor Vigil and Mr. President.

Consequently the act was not referred.

Hon. J. Bonifacio Chaves, offer the following amendment.

SECC.—This act shall not be construed to limit in any way the exemptions made by the provisions of the act of Congress approved July 14, 1870.

A message from the House of Representatives was announced and received.

On motion of Mr. Pedro Sanchez, the rules were suspended, and the act

Was read the 3d. time.

Hon. Nicanor Vigil moved the passage of the act.

Hon. Dionicio Vargas called the ayes and noes.

The question was put the roll called and the result is as follows:

Ayes 9—noes 3.

Those who voted in the affirmative were Hons. Diego Archuleta, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Maria Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. Dionicio Vargas, J. Bonifacio Chaves and Vicente St. Vrain.

Consequently the act passed.

A memorial to Congress of the U. S. requesting the passage of an act requiring the Adjutant General of this Territory to make a report of accounts to the proper department.

Originated in the House of Representatives.

Was read the first time.

When on motien of Hon. Pedro Sanches, the Council adjourned until to-morrow, Saturday at 10 o'clock a. m.

SATURDAY, DECEMBER 23, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan Jose Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Ma. Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

The President called the order of the day. Petitions and memorials.

None.

Reports of the standing committees in order.

None.

Resolutions of this body were announced in order.

Hon. Joseph F. Bennett presented the following resolution:

Resolved, That the President of the Council shall appoint a standing committee of three members of the Council, which shall be known as the "committee on Railroads."

On motion of honorable Candelario Garcia the resolution was adopted.

Consequently the committee was appointed, which consisted of Joseph F. Bennett, Pedro Sanchez and Candelario Garcia.

Introduction of bills and joint resolutions were announced in order by the President.

Hon. Vicente St. Vrain, introduced—

A joint resolution to requesting Captain John Pratt, U. S. Marshal, to furnish both Houses with copies of the last census taken in this Territory.

Which was read the first time.

On motion of honorable J. B. Chaves, the rules were suspended and the resolution

Was read the second time.

On motion of honorable Candelario Garcia, the rules were further suspended and the resolution

Was read the 3d. time and passed.

Hon. Joseph F. Bennett introduced—

A bill (No. 13) providing for the mortgaging and consolidation of railroad lines in this Territory.

Which was read the first time.

On motion of Hon. Benigno Jaramillo the act was given to the translator to be translated into Spanish, and at the same time referred to be printed.

Bills and joint resolutions in their second reading were announced in order by the President.

A bill No. 6, entitled an act providing for the appointment of appraisers to assess the value of real estate upon which lines of rail-roads may run through this Territory.

Was read the 2d time.

Hon. Nazario Gonzales in the chair.

On motion of Hon. J. Bonifacio Chaves, bill No. 8 was referred to the standing committee on Railroads.

When on motion of honorable Benigno Jaramillo the Council adjourned until next Wednesday, December 27th at 10 o'clock a. m.

WEDNESDAY, DECEMBER 27, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus

Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day, Tuesday the 19th instant, was read and approved.

Petitions and memorials were announced in order.

None.

Resolutions of the Council were called in order.

Hon. Joseph F. Bennett introduced the following resolution:

Whereas, The act of Congress organizing the Territory of New Mexico, commonly known as the Organic Act, provides as follows, to wit: And no person holding a commission or appointment under the United States, except postmasters, can be a member of the Legislative Assembly, or can hold any office under the territorial government;" and

Whereas, The act of the Legislative Assembly of the Territory of New Mexico, approved July 20th, 1851, Section 21st (See Revised Code, page 436), which provides as follows, to wit: "No person prohibited by the Organic Law of the Territory, nor any officer or soldier of the United States, and no person included in the term following the army of the United States, shall have the right to vote nor shall be entitled to vote, or hold public office in this Territory;" and

Whereas, It is well known that the honorable J. Bonifacio Chaves, Senator from the county of Valencia, holds an office of the United States Government, as "sutler" of Fort Craig, county of Socorro and Territory of New Mexico, and as such is subject to the provisions of the Army Regulations, and is a "follower" under the intent and meaning of the statute; and

Whereas, The laws of Congress must be strictly obeyed to make our proceedings valid, and insure for us the respect due to a people obedient to the law; therefore,

Be it resolved, That the said Hon. J. Bonifacio Chaves being inelligible to a seat in this House that all votes given to him are null and void, and that the person who received the next higher

number of votes is duly elected to this body, and entitled to a seat as Senator from the county of Valencia.

Hon. Joseph F. Bennett moved that resolutions be referred to a special committee consisting of Wm. T. Strachan, Candelario Garcia and Benigno Jaramillo.

Agreed to.

Consequently the resolution was referred to the above named committee.

Introduction of bills and joint resolutions were announced in order by the President.

Mr. J. Bonifacio Chaves introduced—

An act (No. 14) creating an additional precinct in the county of Valencia.

Which was read the first time.

On motion of honorable Joseph F. Bennett, the rules were suspended and the act

Was read the 2d. time, out of order.

On motion of honorable Pedro Sanches, the rules were suspended and the act

Was read the 3d. time and passed.

Bills and joint resolutions in their second reading were announced in order.

A bill (No. 10) establishing and fixing a house of observation on frontiers of the different counties of this Territory.

Which was read the 2d. time.

A communication from the House of Representatives, was announced and received.

On motion of honorable Diego Archuleta, the act was referred to the standing committee on counties.

An act No. 12, concerning the Hot Springs in the county of Rio Arriba,

Was read the 2d. time.

On motion of honorable Nicanor Vigil, the act was referred to Hons. Diego Archuleta and Dionicio Vargas, the members of the county of Rio Arriba.

A memorial concerning the Militia of the Territory

Originated in the House of Representatives.

Was read the 2d. time.

Hon. Joseph F. Bennett, moved to dispense with the English reading

Agreed to.

On motion of honorable Pedro Sanches, the memorial was refered to a committee consisting of honorables, Pedro Sanches, Diego Archuleta and Vicente St. Vrain.

Hon. Nicanor Vigil, moved that the rules be suspended to take action on the business upon the president's table.

Agreed to.

Business on the President's table.

A comunication from the House of Representatives was read and is as follows :

HOUSE OF REPRESENTATIVES,
December 21, 1871.

Hon. Severo Baca, President of the Council.

SIR :—I have the honor to inform your body that by a resulution passed to day, the prohibiting of any one within the railing of the House has been reconsidered, and the honorable members of the Legislative Council are respectfully invited to take a seat in the Hall of the House of Representatives, whenever they deem it proper so to do, and the House will be gratified with the presence of the members of the Council all the time during the Legislative sessions.

Respectfully your obdt. serv't,
JESUS MARIA SENA Y BACA,
Chief Clerk of the House.

On motion of honorable Nicanor Vigil, the communication was received.

The following communication of the House of Representatives, was read:

HOUSE OF REPRESENTATIVES,
Santa Fé, N. M., Dec. 17, 1871.

Hon. Severo Baca, President of the Legislative Council :

SIR :—I am instructed to inform your Hon. Boby that the House of Representatives in compliance with the wishes of the Council has appointed Hons. H. S. Russell, Gregorio Otero,

Florencio Sandoval, Alejandro Branch and J. R. Johnson the standing committee on Rail-Reads.

Respectfully your obdt. serv't.
JESUS MA. SENA y BACA,
Chief Clerk of the House.

On motion of honorable Pedro Sanches, the communication was received.

Hon. Candelario Garcia, moved that the Chief Clerk be instructed to forward a communication to the Hon. House of Representatives informing then of the appointment of Rail-Road committee of this House and the members that are on it.

Agreed to.

The Chief Clerk was so instructed.

A memorial asking an appropriation for the completion of the capital.

Originated in the House of Representatives.

Was read the first time.

On motion of honorable J. F. Bennett the rules were suspended and the memorial was read the 2d time.

On motion of honorable J. F. Bennett the memorial was referred to the standing committee on the capital.

An act creating two additional precincts in the county of Valencia, originated in the House of Representatives.

Was read the first time.

On motion of honorable Pedro Sanchez the rules were suspended, and the act

Was read the second time.

On motion of Hon. Diego Archuleta the rules were further suspended and the act

Was read the third time.

An act creating three new precincts in the county of Socorro, and abolishing precinct No. 11 of said county, originated in the House of Representatives.

Was read the first time.

On motion of Hon. Dionicio Vargas the rules were suspended and the act

Was read the second time.

On motion of Hon. Candelario Garcia the act was referred to a special committee consting of Hons. Candelario Garcia, Pedro Sanchez and J. B. Chaves.

An act originated in the House of Representatives.

Was read the first time.

On motion of honorable Dionicio Vargas the rules were suspended and the act

Was read the second time.

Hon. Pedro Sanchez moved that the act be referred to a special committee the chairman of which to be the member from Santa Fé.

Agreed to.

The committee consisted of honorables Nazario Gonzales, Pedro Sanchez and Diego Archuleta.

Hon. Diego Archuleta moved to take action of the memorial concerning schools, which was lost Saturday's session and left under consideration until the session of to-day.

Agreed to.

The memorial having been read twice was ordered to be read for the information of the Council.

Hon. Nicanor Vigil moved that the first resolution be striken out, and that the following words be inserted in the second resolution, "and to the Hon. José Manuel Gallegos, Delegate in Congress.

Consequently the first resolution was striken out an the name of Hon. José Manuel Gallegos was inserted in the second resolution.

Hon. Pedro Sanchez moved that the Council adjourn until to-morrow at 10 o'clock a. m.

THURSDAY, DECEMBER 28, 1871.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names: Hons. Pedro Sanchez, Benigno Jaramillo, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales, and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

A message from the House of Representatives was annonnced and received.

Hon. Vicente St. Vrain, made the folluwing report:

MR. PRESIDENT :—

The Standing committee on engrossed bills has the honor to report to this Hody that they have carefally examined the following acts and resolutions.

A bill fixing the boundaries of the counties of Socorro and Doña Ana.

A joint resolution to send the Governor three hundred copies of his message, to distribute them among the different departments.

A joint resolution relative to the printing of the proceedings of both houses and in both languages english and spanish, all of which I find correctely engrossed and respespetfully ask the President to signe the same.

VICENTE ST. VRAIN,
Chairman of the Committee.

On motion of honorable Candelario Garcia, the report of the committee was adopted.

The President anounced to have signed the above mentioned act and resolutions.

Reports of standing committees were anounced in order.

Hon. José Bonifacio Chaves, moved a recess of the council for fifteen minutes.

Agreed to.

The time having expired the council was called to order.

Reports of standing committees were in order.

Hon. José Bonifacio Chaves, made the following report.

To the President of the Legislative Council of the Territory of New Mexico:

Your committee on privilege and elections, to which was referred the contest of José Dolores Medina, against Pedro Sanches has the honor to return the said contest and other papers to this honorable body with the following report to wit:

1st. The notice does not espesify any legal cause, for which if truth, the contestant would have a right to the seat.

2d. The notice speaks of particular votes, and does not mentioned then as required by law in Seccion 51, page 445.

3d. There is no proof that the notice of contest was served upon the contested.

4th. The notice is to commence to took testimony on the 6 day of Gctober 33 days after the election in the place of thirty days after the election as required by law Sec. 58, page 445.

5th. To does not appeared by the papers referred to the committee that any evidence was taken in said contest, or that any of the points mentioned in said notice of contest is truth.

6th. From the poll books appears that the contested had a majority of 310 votes and your committee cannot find proofs or reazons to change said majority.

7th. The notice of contest states that many voters were not permited to vote without spesifing who they were as required by law in Sec. 51, page 445, of which there is no proof that they wish to qote for the contestant it is a rule stablished by law, that votes which were not cast in the eleccion cannot be contested, the law clearly specifies in Sec. 45, page 443, haw a voter can have his vote counted if he is refused and does not appear from the Poll Books nor from the contest, that the voters complied in any manner with this Section your committee therefore reports that the contested is entitled to his seat, and that the contestant has no right to said seat.

Therefore your committee unanimously submits the following Resolution:

Resolved By the Legislative Council of the Territory of New Mexico, That Pedro Sanches, the seating member is entitled to the seat now ocuyied by him as a member from the county of Taos, and that José D. Medina, is not entitled to the same and futher that all the papers in regard to said contest be laid on the table undefinitely.

J. Bonifacio Chaves,
Chairman of the Committee.

Hon. Nicanor Vigil, moved that the report of the committee together with the resolution be adopted.

The ayes and nays were called on the question.

The question was put, the roll called, and the result was as follows:

Ayes, 8—noes, 4.

Those who voted in the affirmative were the honorables Diego Archuleta, Dionicio Vargas, J. Bonifacio Chaves, Candelario Garcia, Benigno Jara millo, Jesus Maria Silva, Nicanor Vigil, and Mr. President.

Those who voted in the negative were the honorables, Joseph F. Bennett, Wm. T. Strachan, Nazario Gonzales and Vicente St. Vrain.

Consequently the report of the committee together with the resolution were adopted, and the papers on the contest were indifinitly on the table.

The following report was read and is as follows:

To the President of the Legislative Council of the Territory of New Mexico:

The committee on previleges and elections to which was referred the contest of Santiago Abreú, against Nicanor Vigil, has the honor to return the said contest and other papers to this honorable Body with the following report, to wit:

1st. The notice does not specify any legal cause by which, if true, the contestant would be entitled to the seat.

2d. The notice speaks of particular votes and does not mention then as required by law in Section 51, page 445.

3d. There is no proof that the notice of contest was served upon the contested.

4th. The notice is to commence taking evidence on the 3th. day of October, 33 days after the election instead of 30 days after the day of the election as required by law Sec. 58 page 445.

5th. It does not appeared from the papers refered to the committee that any evidence was taken in said contest or that any of the parts mentioned in said contest is the truth.

6th. From the Pole Books it appears that the contested had a majority of 316 votes and your committee cannot find proof or reasons to change said majority.

7th. The notice of contest says that many voters were not permitted to vote without specifying who they were as required by law Sec. 21 page 445; of which there is no proof; nor that all of them wished to vote for the contestant. It is a rule established by law that votes which were not cast at the election cannot be counted, the law clearly spectfies in Sec. 45, page 443 how a voter can have his vote counted if it is rejected and it does not appear from the Poll Books or the contest that the voters complied in any way with this Section of the law.

Your committe therefore reports that the contested is entitled to his seat and that the contestant has no right to it.

Therefore your committee proposed the following resolution:

Resolved by the Legislative Council of the Territory of New Mexico, that Nicanor Vigil, the sitting member is entitled to the seat which he ocupies as a member of the county of Taos, and that Santiago Abreú, is not entitled to the same, and further that all the papers in regard to said contest be put on the table indefinitely.

J. Bonifacio Chaves;
Chairman of the Committee.

Hon. Pedro Sanches, moved that the report of the committee together with the resolution be adopted.

The ayes and noes were called on the question.

The question was put the roll called and the result is as follows:

Ayes 10—noes 2.

Those who voted in the affirmative were Hons. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Candelario Garcia, Benigno Jara-

millo, Pedro Sanchez, Jesus M. Silva and Mr. President.

Those who voted in the negative were honorables, Nazario Gonzales and Vicente St. Vrain.

Consequently the report and resolution were adopted and the papers in the matter laid on the table indefinitely.

Hon. Pedro Sanchez, moved that the Council adjourn until to-morrow at 10 o'clock.

Hon. Dionicio Vargas, called the ayes and noes.

The question was put, the roll called and the result was as follows:

Ayes, 9—noes, 4.

Those who voted in the affirmative were the honorables, Diego Archuleta, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were the honorables, J. F. Bennett, Dionicio Vargas, Candelario Garcia, Vicente St. Vrain.

Consequently the Council adjourned until to-morrow, Friday at 10 o'clock A M.

FRIDAY DECEMBER, 29. 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Diego Archuleta, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

A committee from the House of Representatives was announced

and received. And through its chairman respectfully solicited the President's signature to the following acts.

"A special act defining the boundaries of certain lands in precinct number 1, of the county of Taos."

"A special act for the county of Lincoln."

"An act repealing precinct No. 3 of the county of Grant establishing an additional precinct No. 3 therein and changing the county seat of said county."

"A special act for the construction of a bridge across the Pecos River in precinct No. 3 of the county of San Miguel."

All of which originated in the House of Representatives and were passed by both Houses.

The President announced to the Council that he had signed the above mentioned acts.

Petitions and memorials were announced in order.

None.

Reports of standing committees in order.

None.

Introduction of bills and joint resolutions.

None.

Bills and joint resolutions in their 2d reading were announced in order by the President.

" An act No. 13 authorizing the consolidation of railroad lines in this Territory and for mortgaging the same.

Was read the second time.

On motion of honorable Vicente St. Vrain the act was referred to the standing committee on territorial affairs.

A message from the House of Representatives was announced and received.

Bills and joint resolutions in their third reading were announced in order.

None.

Hon. Nicanor Vigil moved to take action on the business upon the President's table.

Agreed to.

Business on the President's table.

A joint resolution requesting Captain John Pratt, United States

Marshal to suply this House with sufficient copies of the last census.

The House of representatives concurred in its passage without any amendment.

A memorial in regard to lands.

Originated in the Council, the House of Representatives concurred in its passage.

Amending the printed copy in Spanish and not the original in English.

Hon. Candelario Garcia moved that a special committee consisting of, Chaves, Bennett and St. Vrain be appointed for the purpose of presenting the original and copy of the memorial so amended to the House of Representatives, asking an explanation and information in regard to the passage of the memorial.

Agreed to.

The committee was appointed and proceeded to discharge its duty.

On motion of honorable Pedro Sanchez the Council took a recess during the absence of the committee.

The committee having returned the Council was called to order.

The committee reported through its chairman that they had discharged their duty and that the Speaker of the House of Representatives informed them in behalf of the House that through a mistake the copy had been amended, the committee left the memorial in possession of the House for its consideration and action.

A special act dividing in two precincts the town of Las Cruces, precinct No. 3, of the county of Doña Ana.

Originated in the House of Representatives.

Was read the first time.

On motion of honorable Dionicio Vargas the rules were suspended and the memorial

Was read the second time.

On motion of honorable Candelario Garcia the rules were further suspended, and the act

Was read the 3d time and passed.

"An act providing for an enclosure in precinct number 16 of the county of San Miguel at the town of La Juuta on the Gallinas and Pecos river.

Originated in the House of Representatives.

Was read the first time.

On motion of honorable Dionicio Vargas the rules were suspended and the act

Was read the second time.

On motion of Hon. Nazario Gonzales the act was referred to a special committee, consisting of Hons. Nazario Gonzales, Diego Archuleta and Benigno Jaramillo.

Hon. Diego Archuleta moved to take action of a memorial relative to public schools now pending as unfinished business.

Agreed to.

The memorial was read for the information of the Council.

On motion of Hon. Diego Archuleta the memorial passed.

Hon. Benigno Jaramillo moved to adjourn until to-morrow at 10 o'clock, a. m.

Agreed to.

Consequently the Council adjourned until to-morrow at 10 o'clock, a. m.

SATURDAY, DECEMBER 30th, 1871.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

Hon. Vicente St. Vrain made the following report.

Mr. PRESIDENT :—

The standing committee on Engrossed Bills has the honor to report to your honorable body that they have examined a joint resolution requesting Capt. John Pratt, U. S. Marshal, to supply both Houses with a copy of the last census of this Territory, which we find correctly engrossed and most respectfully ask the signature of the President thereto.

V. ST. VRAIN,
Chairman.

On motion of Hon. Pedro Sanchez the report was adopted.

The President announced that he signed the above resolution.

Hon. Candelario Garcia moved to instruct the Chief Clerk to communicate and forward a copy of this resolutions to Hon. John Pratt, U. S. Marshall.

Agreed to.

The Chief Clerk was so instructed.

Reports of special committees were announced in order.

None.

Resolutions of the Council were announced in order.

None.

A message from his Excellency the Governor was announced and received.

Hon. Candelario Garcia moved a suspension of the rules to take action on the business upon the President's table, out of order.

Agreed to.

Business on the President's table.

The following communication of his Excellency the Governor was read :

TERRITORY OF NEW MEXICO,
EXECUTIVE OFFICE,
Santa Fé, N. M., Dec. 29, 1871.

Hon. Severo Baca, President of the Council,

I have the honor to inform you and through you the Hon. Council that I have this day signed and approved an act entitled an act fixing the boundaries between the counties of Socorro and Doña Ana.

Respectfully your obedient servant,
M. GIDDINGS,
Governor of New Mexico.

On motion of honorable Candelario Garcia, the communication was received.

Introduction of bills and joint resolutions were announced in order

None.

Bills and joint resolutions on their second reading.

None.

Bills and joint resolutions on their third reading.

None.

A message from the House of Representatives was announced and received.

Hon. Benigno Jaramillo moved to take action on the business on the President's table.

Agreed to.

Business on the President's table.

The following communication of the House of Representatives was read :

HOUSE OF REPRESENTATIVES,
Santa Fé, N. M., Dec. 30, 1871.

Hon. Severo Baca, President of the Council :

SIR—I have the honor to enclose herewith to your Hon. Body the reports of the Auditor of public accounts and treasurer of this Territory, which had been referred to a committee, and the same having been returned, I have the honor to forward the same to your Hon. Body for its action thereon.

Respectfully your obd't. serv't,
JESUS MARIA SENA Y BACA,
Chief Clerk of the House.

On motion of Hon. Candelario Garcia the communication was received and the reports of the Auditor and Treasurer referred to the standing committee on Territorial affairs.

An act enabling Aliens to hold real estate in this Territory.

Originated in the Council.

The House concurred in its passage.

With the accompanying amendment which was read for the information of the Council.

Hon. Candelario Garcia moved the adoption of the amendment to the Allien act.

A message from the House of Representatives was announced and received.

Hon. Benigno Jaramillo moved that the amendment to the act be indefinitely laid on the table.

The ayes and noes being called for.

The roll was called and the result is as follows:

Ayes 3—noes 9.

Those who voted in the affirmative were Hons. Dionicio Vargas, Nazario Gonzales, and Mr. President.

Those who voted in the negative were Hons. Diego Archuleta, Joseph F. Bennett, José B. Chaves, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vcente St. Vrain, and Nicanor Vigil.

Excused, honorable W. T. Strachan.

Consequently the amendment was not laid on the table.

Honorable Benigno Jaramillo announced that he would reconsider his vote on the following day.

The motion on the adoption of the amendment to the act was put.

The ayes and noes were called on the question.

The question was put, the roll was called and the result was as follows:

Ayes 8—noes 4.

Those who voted in the affirmative were honorables Diego Archuleta, Joseph F. Bennett, J. B. Chaves, Candelario Garcia, Pedro Sanchez, Jesus Ma. Silva, Vicente St. Vrain, and Nicanor Vigil.

Those who voted in the negative were honorables Dionicio Vargas, Nazario Gonzales, Benigno Jaramillo and Mr. President.

Excused, W. T. Strachan.

Consequently the amendment to the act was adopted and the act so amended passed both houses.

Hon. J. B. Chaves moved an adjournment of the Council until to-morrow at 10 o'clock a. m.

Not agreed to.

On motion of Hon. Candelario Garcil the Council took a recess of 15 minutes.

The time having expired the Council was called to order.

A message from the House of Representatives was announced and received.

On motion of Hon. Candelario Garcia action was taken on the business upon the President's table, out of order.

An act assigning the Judges of the Supreme Court to the judicial districts of this Territory.

Originated in the House of Representatives.

Was read the first time.

Honorable Candelario Garcia moved that the rules be suspended and the act

Be read the 2d time.

The yeas and nays were called.

The question was put, the roll was called and the result was as follows:

Ayes 9—noes 4.

Those who voted in the affirmative were honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Vicente St. Vrain and Mr. President.

Those who voted in the negative were Hons. Pedro Sanches, Jesus Ma. Silva, J. B. Chaves, and Nicanor Vigil.

Consequently there being a two-third vote the rules were suspended and the act

Was read the second time.

Hon. Pedro Sandhes moved that the act be referred to the standing committee on Judiciary.

Not agreed to.

Hon. Candelario Garcia moved that the rules be suspended and the act

Was read the 3d time, out of order.

The ayes and nays were called on the question.

The question was put, the roll called, and the result was as follows:

Ayes, 10—noes, 3.

Those who voted in the affirmative were Messrs. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Vicente St. Vrain and Mr. President.

Those who voted in the negative were Messrs. J. B. Chaves, J. M. Silva and Nicanor Vigil.

Consequently the rules were suspended and act

Was read the third time.

Hon. J. B. Chaves moved that the act be refered to a committee consisting of Messrs. Garcia, Archuleta and Jaramillo.

Not agreed to.

A committee from the House of Representatives was announced and received, which through its chiarman most respectfully requested the signature of the Hon. President to the following acts, to wit:

An act declaring certain real estate to be exempted from execution, and an act creating two additional precincts in the county of Valencia, both of which originated in the House of Representatives and passed both Houses.

The Hon. President announced that he signed the acts above mentioned.

Hon. Candelario Garcia mowed the passage of the act.

The ayes and noes were called for.

The roll was called and the result was as follows::

Ayes 10—noes 3.

Those who voted in the affirmative were Hons. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Vicente St. Vrain and Mr. President.

Those who voted on the negative were Hon. J. B. Chaves, J. M. Silva and Nicanor Vigil.

Concequently the act passed.

Hon. Pedro Sanchez made the following motion.

Mr. President—I announce to the Council that I shall move a reconsideration of the vote on the passage of the act assigning the Judges in the session of the following day.

PEDRO SANCHEZ.

Hon. Candelario Garcia moved that the motion be laid on the table indefinitely.

The yeas and noes were called for.

The roll was called and the result was as follows:

Ayes 10—noes 3.

Those who voted on the affirmative were Hons. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Vicente St. Vrain and Mr. President.

Those who voted on the negative were Hons. J. B. Chaves, J. M. Silva, Nicanor Vigil.

Consequently the motion was laid on the table indefinitely.

Hon. Candelario Garcia moved that the yeas and noes on adjournments do not be entered on the journal.

When on motion of honorable Candelario Garcia the Council adjourned until Wednesday, January 3d, 1872 at 10 o'clock a. m.

WEDNESDAY, JANUARY 3, 1872.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names: Hons. Pedro Sanchez, Benigno Jaramillo, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales, and the President.

A quorum being present the Couneil proceeded to the dispatch of business.

The journal of the previous day was read and approved.

A message from the House of Representatives was announced and received.

Petitions and memorials were announced in order.

None.

Reports of standing committees were anounced in order.

None.

Reports of special committees were announced in order.

Hon. Diego Archuleta made the following report—

MR. PRESIDENT:

The special committee consisting of the members of Rio Arriba county to which was referred

An act No. 12, concerning the Hot Springs in the county of Rio Arriba,

Has had the same under consideration and respectfully recomends the adoption of the accompanying susbstitute

DIEGO ARCHULETA,
Chairman of the Committee.

On motion of honorable Diego Archuleta, the report of the committee was adopted, and the substitute to the act

Was read the first time.

On motion of Hon. Dionicio Vargas the rules were suspended and the substitute to the act

Was read the second time.

On motion of honorable Pedro Sanches, the rules were suspended and the act

Was read the 3d. time and passed.

On motion of honorable Pedro Sanches, the council took a recess for fifteen minutes.

The time having expired the council was called to order.

Honorable Pedro Sanches made the following report:

Hon. Severo Baca, President of the Legislative Council:

SIR:—The special committee to which was referred

A memorial to the Congress of the United States relative to the pay of the militia of this Territory has the honor to report to

this honorable body that your committee has stricken out of said memorial the word at *Valverde, New Mexico*, and your committee recommends the passage of said memorial.

PEDRO SANCHES,
Chairman of the Committee.

On motion of honorable Nicanor Vigil, the report and the amendment to the memorial were adopted.

Consequently the words "at Valverde New Mexico" were stricken out of the memorial.

On motion of honorable Candelario Garcia, the rules were further suspended and the memorial

Was read the 3d. time, and passed.

Hon. Pedro Sanches, with suspension of rules made the following report:

MR. PRESIDENT:

The standing committee on the capitol to which was referred

A memorial to Congress of United States has the honor to report that having had the same under advicement that your committee has substituted it and most respectfully recommend the passage of the substitute.

PEDRO SANCHES,
Chairman of the Committee.

On motion of honorable Candelario Garcia, the report of the committee was adopted and the substitute to the original

Was read the first time.

A massage from the House of Representatives was announced and received.

On motion of honorable Candelario Garcia the rules were supended and the substitute to the memorial

Was read the 2d. time.

Hon. Pedro Sanches, moved that the memorial be referred to a select committee consisting of honorables Archuleta, Chaves and Garcia.

The ayes and noes were called on the motion.

The question was put, the roll called and the result is as follows:

Ayes 6—noes 7.

Those who voted in the affirmative were honorables, Dio-

nicio Vargas, José B. Chaves, Nazario Gonzales, Benigno Jaramillo, Pedro Sanchez and Jesus Maria Silva.

Those who voted in the negative were honorables, Diego Archuleta, Joseph F. Bennett, Wm. T. Strachan, Candelario Garcia, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Consequently the memorial was not referred.

Hon. Benigno Jaramillo, moved that the memorial be refered to the standing committee on the judiciary.

Not agreed to.

Hon. Candelario Garcia, moved that the rules be suspended and the memorial

Be read the 3d. time.

The ayes and noes were called on the question.

The question was put the roll called and the result is as follows:

Ayes 7—noes 6.

Those who voted in the affirmative were Hons. Diego Archuleta, Joseph F. Bennett, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Pedro Sanchez and Mr. President.

Those who voted in the negative were honorables Dionicio Vargas, J. Bonifacio Chaves, Benigno Jaramillo, Jesus M. Silva and Vicente St. Vrain.

Consequently there not being two thirds, the rules were not suspended.

A committee from the House made its appearance and through its President asked the signiture of the President to the following acts.

An act assigning Judges of this territory which originated in the House of Representatives and passed both Houses.

The President announced that he had signed the act above mentioned.

A committee from the House of Representatives was announced and received and through its President ask the coperation of a committee of conference in conformity with a comunication from the House.

The President invited the committee to some seats, until the council took action of the communication of the House.

Hon. Candelario Garcia moved to take action on the commu-

nication of the House out of order.

Agreed to.

The following communication of the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
Santa Fé, N. M., Jan. 3, 1872.

Hon. Severo Baca, President of the Legislative Council:

SIR:—I have the honor to inform your honorable body that honorables Gregorio Otero, A. Branch and J. Montoya, were appointed a committee of conference to act with another of equal number of the Council upon a memorial to Congress in regard to the arrangement of land grants donated by the Spanish and Mexican Government's and most respectfully ask your honorable body to appoint a committee to act with the committee of this body upon the memorial above mentioned.

Respectfully your obdt. serv't,
JESUS MARIA SENA Y BACA,
Chief Clerk of the House.

Hon. Candelario Garcia moved that the communition be received and the committee substituting the memorial be instructed to confer with the one of the House of Representatives.

Agreed to.

The committee appointed for such purpose consisted of honorables J. B. Chaves, Joseph F. Bennett and Vicento St. Vrain.

When on motion of Mr. Candelario Garcia, the Council adjourned until half past two o'clock this afternoon.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

The roll was called, and a quorum being present the Council proceeded to the dispatch of business.

Reports of special committees were announced in order.

Hon. Vicente St. Vrain made the following report:

MR. PRESIDENT:—

The Standing committee on engrossed bills to whom was referred an act enabling aliens to hold real estate in this Territory,

has had the same under consideration and finds it correctly engrossed, respectfully asks the signature of the President.

VICENTE ST. VRAIN,
Chairman of the Committee.

On motion of honorable Pedro Sanchez the report of the committee was adopted.

The President anounced that he had signed the above mentioned act.

A communication from the House of Representatives was announced and received.

Resolutions of the Council were called in order.

None.

Bills and joint resolutions in their second reading were announced in order.

An act, No. 11, to authorize counties to aid in the construction of rail roads.

Originated in this Body.

Was read the 2d. time.

On motion of honorable J. Bonifacio Chaves the act was referred to the standing committee on Railroads.

Bills and joint resolutions on their third reading were announced in order.

None.

Hon. Diego Archuleta moved that the rules be suspended to take action on the business upon the President's table.

Agreed to.

Business on the President's table.

An act (No. 28) punishing abuses which are committed within this Territory, by affeminated persons.

Originated in the House of Representatives.

Was read the first time.

Hon. J. Bonifacio Chaves moved that the act be put on the table indefinitely.

The ayes and noes were called for.

The question was put, the roll called and the result was as follows:

Ayes, 12—noes, 1.

Those who voted in the affirmative were the honorables, Diego

Archuleta, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil, J. F. Bennett, Dionicio Vargas, Candelario Garcia, y Vicente St. Vrain.

In the negative voted the honorable President.

Consequently the act was laid on the table indefinitely.

A committee from the House of Representatives was announced and received, and through its chairman asked for the signature of the President to the following:

A special act dividing into two precincts the town of Las Cruces, third precinct of the county of Doña Ana.

Originated in the House of Representatives and passed by both houses.

The President announced that he had signed the above mentioned act.

An act No. 12, in relation to the Hot Springs of Precinct No. 12, in the county of Rio Arriba.

Originated in this Body, the House of Representatives concurred in its passage without amendments:

A message from the House of Representatives was announced and received.

An act (No. 37) creating an additional precinct in the county of Mora.

Originated in the House of Representatives.

Was read the first time.

On motion of Mr. Dionicio Vargas, the rules were suspended, and the act

Was read the 2d. time.

On motion of Hon. Benigno Jaramillo the act was referred to the standing committee on counties.

When on motien of Hon. Pedro Sanches, the Council adjourned until to-morrow, Thursday, at 10 o'clock a. m.

THURSDAY, JANUARY 4, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day, Tuesday the 19th instant, was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

Hon. Pedro Sanchez, made the following report:

MR. PRESIDENT:

The standing committee on capitol to whom was referred—

A memorial to the Senate and House of Representantives of the United States, has had the same under its most serious consideration and finding it necessary, your committee returns it to the Council without any amendment and recommends its passage.

PEDRO SANCHEZ,
Chairman of the Committee.

On motion of Hon. Nicanor Vigil, the report of the committee was adopted.

On motion of Mr. Pedro Sanchez the rules were suspended and the memorial

Was read the 3d. time and passed.

Reports of special committees in order.

None.

Resolutions of the Council were announced in order.

None.

Introduction of Bills and joint resolution were announced in order.

Hon. Pedro Sanchez, introduced—

An act entitled an act to legitimate Dionicio, Lorenzo, Roque, Jacinto and Quirina, approved February 2d, 1870.

Which was read the first time.

On motion of honorable Pedro Sanchez, the rules were suspended and the act

Was read the second time.

On motion of Hon. Dionicio Vargas, the rules were further suspended and the act

Was read the 3d. time and passed.

Bills and joint resolutions in their second reading were announced in order by the President.

None.

Bills and joint resolutions in their third reading were announced in order by the President.

A substitute memorial asking the increase of per diem to the Legislative Assembly.

Originated in the House of Representatives.

Was read the 3d time.

Hon. Benigno Jaramillo offered the following amendment to the memorial:

Resolved, That the Hon. Secretary of the Territory is hereby instructed to send a copy of this memorial to the President of the Senate, another to the Speaker of the House of Representatives, and one to our Delegate in Congress.

On motion of Mr. Pedro Sanchez the amendment was adopted.

Therefore the resolution was inserted in the memorial, and

On motion of Hon. Candelario Garcia the memorial passed.

Hon. Candelario Garcia moved that the rules be suspended to take action on the business on the President's table, out of order.

Agreed to.

Business on the President's table.

An act (No. 27), special, for precinct No. 3 of the county of San Miguel.

Originated in the House of Representatives.

Was read the first time.

Hon. Pedro Sanchez, moved that the rules be suspended and the act

Was read the second time.

On motion of Hon. Pedro Sanchez the act was referred to the

standing committe on the Judiciary.

An act (No. 31) to establish police guards in the different precincts of this Territory, and designating the duties of said police guards.

Originated in the House of Representatives.

Was read the first time.

On motion of honorable Dionicio Vargas the rules were suspended, and the act

Was read the second time.

On motion of Hon. Candelario Garcia, the act was referred to the standing committee on the Judiciary.

An act (No. 32), special, for precinct No. 2 of the county of Bernalillo.

Originated in the House of Representatives.

Was read the first time.

On motion of Hon. Candelario Garcia, the rules were suspended and the act

Was read the second time.

On motion of Hon. J. Bonifacio Chaves the rules were further suspended, and the act

Was read the third time and passed.

An act (No. 26) relative to quack doctors in the Territory of New Mexico.

Originated in the House of Representatives.

Was read the first time.

Hon. Pedro Sanchez moved that the act be indefinitely laid on the table.

A message from the House of Representatives was announced and received.

The ayes and noes, were called in regard to laying the act indefinitely on the table.

The question was put, the roll called and the result was as follows:

Ayes 5.—noes 8.

Those who voted in the affirmative were Hons. Diego Archuleta, Benigno Jaramillo, Pedro Sanchez, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. Joseph F. Bennett Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain, and Jesus M. Silva.

Therefore the act was not laid on the table indefinitely.

Hon. Dionicio Vargas moved that the rules be suspended and the act read the second time, out of order.

Agreed to.

The act was read the 2d. time.

Hon. Pedro Sanchez moved that the act be referred to a special committee consisting of five members.

Hon. Dionicio Vargas offered the following amendment:

That Don Cipriano Medina is exempted from the responsibility of the quack doctor's law, and that said Medina shall continue practicing medicine to the best of his knowledge.

Hon. Pedro Sanchez moved the adoption of the amendment.

Mr. Benigno Jaramillo offered the following amendment:

That the clause enacting the act be stricken out.

Mr. Diego Archuleta offered the following amendment:

That those who have broken wagons be prohibited to use the same until they are taken to the wagon maker for repair.

Mr. Pedro Sanchez offered the following amendment.

That the word "person" be stricken out.

When on motien of Hon. Diego Archuleta, the Council adjourned until to-morrow, Friday, at 10 o'clock a. m.

FRIDAY JANUARY, 5, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day, was read and approved.

Petitions and memorials were announced in order.

None.

When on motion of Hon. Benigno Jaramillo, the Council adjourned until two o'clock this afternoon.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

The roll was called, and a quorum being present the Council proceeded to the dispatch of business.

Hon. Pedro Sanchez, moved that the Council adjourn until Monday the 8th. instant at 10 o'clock.

Agreed to.

Consequently the Council adjourned until Monday the 8th. instant at 10 o'clock A. M.

MONDAY, JANUARY, 8th, 1872.

The Council met pursuant to adjournment.

The roll was was called, and the following members answered to their names, to wit: Hons. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan,

Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil, and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

None.

Reports of special committees were announced in order.

Hon. Vicente St. Vrain made the following report.

Mr. PRESIDENT :—

Your standing committee on engossed bills to whom was referred An act No. 12, concerning the Hot Springs in the county of Rio Arriba,

Have had the same under consideration and have the honor to report this Hon. Body that they find it correctly engrossed and return the same to this Hon. Body for its final action.

V. ST. VRAIN,
Chairman.

On motion of Hon. Pedro Sanches, the report of the committee was adopted.

The President announced to the Council that he had signed the above mentioned act.

Hon. Candelario Garcia made the following report—

MR. PRESIDENT :

The standing committee to whom was referred An act creating three aditional precincts in the county of Socorro: ycur committee reports to this Hon. Body that they have examined the same and recomend its passage with the acompanying amendments.

CANDELARIO GARCIA,
Chairman of the Committee.

On motion of honorable Pedro Sanches, the report of the committee together with the amendment was adopted.

Honorable Candelario Garcia moved that the rules be sus-

pended and the act, read the 3d. time.

Agreed to.

The act was read the 3d. time.

Resolutions of the Council were announced in order.

None.

Introduction of Bills and joint resolutions were announced in order.

Hon. Candelario Garcia, introduced—

An act No. 16, declaring the adoption of Lorenzo Benavidez.

Which was read the first time.

On motion of Hon. Dionicio Vargas the rules were suspended and the act

Was read the second time.

And on motion of honorable Candelario Garcia the act was referred to the standing committee on the judiciary.

Hon. Candelario Garia, introduced—

An act No. 17, declaring the adoption of Abraham Dryforst.

Which was read the first time.

On motion of honorable Dionicio Vargas the rules were suspended and the act

Was read the second time.

And on motion of Hon. Candelario Garcia, the act was referred to the standing committee on privileges and elections.

When on motion of honorable Pedro Sanches, the Council adjourned until three o'clock p. m.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The roll was called, and a quorum being present the Council proceeded to the dispatch of business.

Introduction of Bills and joint resolutions announced in order.

None.

Hon. Benigno Jaramillo, moved a suspension of the rules to make a report of a standing committee, out of order.

Agreed to.

Hon. Benigno Jaramillo, made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred

An act declaring the adoption of Lorenzo Benavidez has had the same under consideration and finding that an act of legitimation exists in our statutes approved February 1, 1870, therefore your committee asks that it be rejected.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Nicanor Vigil, the report of the committee was adopted, and the act rejected.

Bills and joint resolutions in their 2d reading were announced in order by the President.

None.

Bills and joint resolutions in their third reading were announced in order.

None.

On motion of honorable Benigno Jaramillo, action was taken on the business upon the President's table.

Business on the President's table.

An act, No. 13, to regulate property in certain cases.

Originated in the House of Representatives.

Was read the first time.

On motion of honorable Nicanor Vigil, the rules were suspended, and the act

Was read the second time.

On motion of honorable Vicente St. Vrain, the act was referred to the standing committee on the judiciary.

An act, No. 21, for precinct No. 1, of the county of Rio Arriba

Originated in the House of Representatives.

Was read the first time.

On motion of honorable Pedro Sanches, the rules were suspended and the act

Was read the second time.

On motion of honorable Dionicio Vargas, the act was referred to a special committee consisting of the two members from Rio Arriba county.

A committee from the House of Representatives was announced and received, and through its chairman asked the signature of the President to the following memorials:

A memorial concerning the Militia of the Territory

A memorial relative to Public Schools which

Originated in the House of Representatives and were passed by both houses.

The President announced that he had signed the above mentioned memorials.

The House of representatives concurred in the passage of a memorial relative to land grants.

Originated in this Body with an amendment.

On motion of honorable Diego Archuleta the amendment was adopted.

Hon. José B. Chaves, under suspension of rules made the following report:

MR. PRESIDENT:

The standing committee on privileges and elections to whom was referred

A special act entitled an act declaring the adoption of Abraham Dryforst has had same under consideration and after mature deliberation finds that the Legislature of the Territory of New Mexico in their session held in 1869 and 1870, instituted a system of legitimation under the jurisdiction of probate judges which act was approved February 1, 1870, and from that time it has been in force; therefore yourr committee recommends that the act above mentioned be rejected.

J. BONIFACIO CHAVES,
Chairman of the Committee.

On motion of hononable Pedro Sanchez the report of the committee was adopted and the act rejected.

An act, special No. 29, for precinct No. 10, of Jarales in the county of Valencia.

Originated in the House of Representatives.

Was read the first time.

On motion of honorable José Bonifacio Chaves, the rules were suspended and the act

Was read the 2d time.

On motion of Hon. J. B. Chaves, the rules were further suspended and the act

Was read the third time, and passed.

Hon. Diego Archuleta moved that Hon. J. F. Chaves, be invited to a seat within the railing.

Agreed to.

Hon J. F. Chaves, was invited and took a seat within the railing.

A memorial relative to the increase of per-diem of the members of the Legislative Assembly.

Originated in this Body, by a substitute, the House of Representatives concurred in its passage with the following amendment: wherever the word "you" should occur to insert your Hon. Bodies.

On motion of honorable Candelario Garcia, the amendment was adopted.

An act No. 22, special enabling two abolished precincts in the county of Doña Ana.

Originated in the House of Representatives.

Was read the first time.

On motion of honorable J. B. Chaves the rules were suspended and the act

Was read the 2d time.

On motion of honorable Candelario Garcia, the rules were suspended and the act

Was read the third time and passed.

Hon. Diego Archuleta moved that the Council adjourn until to-morrow at 10 o'clock a. m.

Agreed to.

Consequently the Council adjourned until to-morrow at 10 o'clock, A. M.

TUESDAY, JANUARY 9th, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Diego Archuleta, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

Hon. Diego Archuleta moved that a committee of three members be appointed for the purpose of soliciting the members of the House of Representatives to hold a joint secret session for the purpose of harmonizing the difficulties existing between the two bodies with a view to obtain, useful and beneficial Legislation for the people of the Territory of New Mexico.

On motion of Hon. Pedro Sanchez the motion was unanimously adopted.

The chair announced the said committee, Hons. Diego Archuleta Pedro Sanchez and Candelario Garcia.

The committee was appointed and proceeded to discharge its duty.

On motion of honorable Nazario Gonzales the Council took a recess during the absence of the committee.

The committee having returned the Council was called to order.

The committee through its Chairman reported that the House did not accept the invitation made.

On motion of Hon. J. B. Chaves the report was adopted.

Reports of standing committees in order.

None.

Reports of special committees in order.

None.

Resolutions of the Council were announced in order.

None.

Introduction of bills and joint resolutions were announced in order.

Hon. Candelario Garcia introduced an act No. 18 special for precinct No. 1, of the county of Socorro.

Was read the first time, and referred to be printed.

Bills and joint resolutions on their second reading.

None.

Bills and joint resolutions on their third reading.

None.

On motion of Hon. Candelario Garcia action was taken on the business upon the President's table.

Business on the President's table.

An act No. 35 special for the county of Doña Ana relative to damages by animals.

Originated in the House of Representatives.

On motion of honorable J. F. Bennett the rules were suspended, and the act

Was read the second time.

On motion of honorable J. F. Bennett the act was referred to a select committee of three members.

Which consisted of Hons. J. F. Bennett, Vicente St. Vrain and J. B. Chaves.

A communication of Captain John Pratt, U. S. Marshal, was read and is as follows:

U. S. MARSHAL'S OFFICE,
DISTRICT OF THE TERRITORY OF NEW MEXICO,
Santa Fé, N. M., January 4, 1872.

Hon. F. Salazar, Chief Clerk of the Legislative Council,

SIR:—I have the honor to acknowledge the receipt of your communication of the 30th ultimo, enclosing a copy of a resolution of the Territorial Legislature requiring copies of the last census taken in this Territory.

In answer to the requirement made by the Hon. Legislature, I have the honor to report that copies of the returns have been filed in the offices of the Probate Judges of the different counties, and also a complete record of the files in this office has been filled with the Secretary of the Territory.

I have the honor to forward enclosed official reports containing:

1st. The number of inhabitants in each county.

2d. The number of deeths for the year ending June 30, 1871 in each county.

3d. The number of Ranches.

4th. Establishments of industry.

Respectfully your obedient servant,

J. PRATT,

U. S. Marshal.

On motion of Hon. Vicente St. Vrain the communication and abstract of the Marshal were referred to be printed for the better information of the members.

When on motion of honorable Candelario Garcia the Council, adjourned until to-morrow, Wednesday at 10, o'clock a. m.

WEDNESDAY, JANUARY 10, 1872.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names: Hons. Pedro Sanchez, Benigno Jaramillo, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales, and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Hon Diego Archuleta in the chair.

Hon. Severo Baca presented the following resignation:

To the Hon. Legislative Council of the Territory of New Mexico:

GENTLEMEN:—The object and views of this petition are to tender before this Body my resignation, as President of this Body during the present session; therefore with the greatest respect I give to each member of this Body my cordial and humble thanks for the honor which they conferred on me, by placing me in the highest position, in this Body, and I wish to say that my earnest and hearty gratitude to every member, for the respect and consideration shown to me, as the President of this Body shall ever be remembered. I sincerely ask the indulgence of all my colleagues for any misruling or error which I may have committed

in the performance of my duties as President against you; but allow me to assure you, gentlemen, that I have done nothing through malice ill-will, or corruption, nor have I failed to do my sacred duty for favor, fear or affection.

I am respectfully your obdt. servt.

SEVERO BACA.

Hon. Severo Baca moved that his resignation be accepted.

The ayes and noes were called for.

The question was put, the roll called and the result was as follows:

Noes, 12—ayes, 0.

Those who voted in the negative were the honorables, Diego Archuleta, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil, J. F. Bennett, Dionicio Vargas, Candelario Garcia, and Vicente St. Vrain.

In the affirmative voted, none.

Consequently the resignation was not accepted.

Reports of standing committees were anounced in order.

None.

Reports of special committees were announced in order.

None.

Introduction of bills and joint resolutions were in order.

Hon. Joseph F. Bennett introduced—

An act (No. 19) changing the time of holding the District Court in the third judicial district of New Mexico.

Which was read the 1st time, together with the accompanying petition.

On motion of Hon. Pedro Sanchez, the rules were suspended and the act

Was read the 2d. time.

Hon. Joseph F. Bennett moved that the act be referred to a special committee consisting of one member from each judicial district of this Territory.

Agreed to.

The act was refered to said committee, which consisted of Hons. Joseph F. Bennett, Candelario Garcia, and Pedro Sanchez.

Honorable Pedro Sanchez moved that the rules be suspended

to take action on the business on the President's table.

Agreed to.

Business on the President's table.

None.

Hon. Severo Baca moved to take action on the unfinished business.

Agreed to.

The communication and abstract of John Pratt, U. S. Marshal, was read for the information of the Council, as unfinished business.

On motion of Hon. Benigno Jaramillo, the communication together with the abstract, was ordered to be printed.

When on motion of honorable Pedro Sanchez the Council adjourned until to-morrow, Thursday, at 10 o'clock a. m.

THURSDAY, JANUARY 11, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan Jose Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Ma. Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

When on motion of Hon. Benigno Jaramillo, the Council adjourned until three o'clock this afternoon.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

A quorum being present the council proceeded to the dispatch of business.

Petitions and memorials were announced in order.

Hon. Nazario Gonzales in the chair.

Hon Severo Baca presented the following petition:

Hon. Legislative Council of the Territory of New Mexico.

Gentleman of the Council:

I have the honor to call the attention of this Hon. Body to the petition which I presented yesterday, and I ask as a point of order that the vote upon my resignation be reconsidered.

Respectfully, your obedient servant,

SEVERO BACA.

Hon. Dionicio Vargas moved that the petition together with the resignation of the previous day be adopted.

The yeas and nays were called.

The question was put, the roll was called and the result was as follows:

Ayes 8—noes 4.

Those who voted in the affirmative were honorables Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Pedro Sanchez and Vicente St. Vrain.

Those who voted in the negative were Hons. J. B. Chaves, Benigno Jaramillo, Jesus Ma. Silva, and Nicanor Vigil.

Consequently the resignation was adopted.

Hon. Pedro Sanchez moved that the resignation of the President having been accepted, that Hon. Diego Archuleta be appointed President of the Council for the unexpired time.

Hon. Diego Archuleta proposed as President Hon. Joseph F. Bennett.

The question was put on the motion of Hon. Pedro Sanchez and was unanimously adopted.

Consequently Hon. Diego Archuleta was appointed permanent President of the Council.

Hon. Pedro Sanchez moved that a committee of three members

be appointed for the purpose of requesting the Hon. Secretary of the Terrritory to administer the oath of office to Hon. Diego Archuleta as President of the Council.

Agreed to.

The committee appointed for such purpose consisted of Hons. Pedro Sanchez, Joseph F. Bennett and Benigno Jaramillo.

The committee proceeded to the discharge of their duties, and the Council took a recess during the absence of the Committee.

The committee having returned the President called the Council to order.

The committee reported to have complied with their charge and that they had the honor to accompany the Hon. Secretary of the Territory.

The Hon. Secretary having administered the oath to Hon. Diego Archuleta as President, Hon. Diego Archuleta entered in the performance of his duties.

A vote of thanks was tendered to the Honorable Secretary on behalf of the Council and the committee instructed to escort him to his office.

The committee having returned was discharged.

Hon. Joseph F. Bennett under suspension of the rules presented the following resolution :

Resolved: That a vote of thanks be tendered by this body to Hon. Severo Baca for the faithful and impartial manner with which he performed the duties devolving upon him as President of the Council, and that for the happy relations with him as the presiding officer of this body it affords us great pleasure to offer to this Hon. Gentleman our sincere thanks, and to express a sincere wish for the uninterrupted continuance of our pleasant relations.

On motion of Hon. Pedro Sanchez the resolution was unanimously adopted.

Hon. Severo Baca moved to adjourn until to-morrow at 10 o'clock a. m.

Hon. Dionicio Vargas moved the yeas and noes on the adjournment.

The question was put, the roll called, and the result was as follows:

Ayes, 7—noes, 6.

Those who voted in the affirmative were Messrs. Severo Baca, J. B. Chaves Benigno Jaramillo, Pedro Sanchez, J. M. Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were Messrs. Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, and Vicente St. Vrain.

Consequently the Council adjourned until to-morrow Friday at 10 o'clock a. m.

FRIDAY, JANUARY, 12, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Dionicio Vargas, Severo Baca, Jose Bonifacio Chaves, William T. Strachan, Joseph F. Bennett, Nicanor Vigil, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispateth of business.

The journal of the previous day was read and approved.

Hon. Vicente St. Vrain moved that the rules be suspended to take action on the business on the President's table.

Hon. Dionicio Vargas called for the ayes and noes.

The question was put, the roll called and the result is as follows:

Ayes 7—noes 6.

Those who voted in the affirmative were honorables, Dionicio Vargas, Joseph F. Bennett, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain, and Mr. President.

Those who voted in the negative were honorables, Severo Baca, José B. Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva and Nicanor Vigil.

Consequently not being two-thirds in the afirmative the rules were not suspended.

Petitions and memorials were announced in order.

None.

Reports of standing committees were anounced in order.

None.

Reports of special committees were announced in order.

None.

Introduction of bills and joint resolutions were in order.

None.

Bills and joint resolutions on their second reading.

None.

Business on the President's table was announced in order.

A resolution relative to the disqualification of of Hon. M. Rudulph, as President, was read, and is as follows:

Whereas, on the 5th day of January the House of Representatives of the Legislature of New Mexico being in regular session, with Mr. Rudulph, then Speaker, presiding, acting in their just jurisdiction over the qualifications of its members, did declare vacant the seats of Buenaventura Lovato, Francisco A. Sanchez, and Antonio T. Gallegos, and that Francisco A. Montoya, Jose Angel Cordova, Juan B. Gonzales and Mateo Romero, were justly entitled to seats in this Body, from the county of Taos, and

Whereas, this action of the House was lawfully carried by a vote of fourteen in favor to eight against, and

Whereas, the Speaker, Mr. M. Rudulph, voted in favor of said action, and did himself appoint a committee to inform the above named gentlemen of their right to seats in this House, and another to invite the Secretary of the Territory to be present upon appearance of said new members to administer the oath, and

Whereas, said committees did perform their duties, and on Tues-

day the the 10th inst, the said Messrs. Montoya, Cordova, Gonzales and Romero, did appear before this House to be duly admitted to their seats, and

Whereas, Mr. M. Rudulph for some reason inexplicable to this House, ordered the galleries to be cleared, and when upon this refusing to sustain this order, he, the said Rudulph, forgetting his duty as Speaker, and insulting the House over which he had been elected to preside, did passionately and on his own responsibility declare the House adjourned and leave his chair and the duties thereof, and take with him eleven members from the session of this Body, thus leaving it without a quorum, and

Whereas, eleven members still remaining did, in accordance with the rules of this House, as well as of those of all Legislative Bodies, organize and compel the attendance of members enough to constitute a quorum, and

Whereas, said M. Rudulph was himself present, and knew that a quorum of the Legislature did then in regular session, and in accordance with their previous action concurred in by Mr. Rudulph, receive and duly cause to be sworn in, the said Montoya, Cordova, Gonzales and Romero, and

Whereas, furthermore, on the morning of the 11th of January, this House did regularly meet with Mr. Rudulph in the chair and

Whereas, he did again and still more flagrantly violate his duty by refusing to recognize the aforenamed new members, and insisting on the call of the names of persons who had been lawfully and in a measure by his own vote declared to be no longer members of this House, and in these and other respects acting in a revolutionary, unlawfully and insubordinate spirit, and

Mr. Benigno Jaramillo, with permission of the Council spoke for the third time.

Hon. Candelario Garcia offered the following resolution as amendment to the resolution:

Resolved, That the resolutions received of Hon. J. R. Johnson be spread on the journal of the Council, and that we recog-

nize Hon. J. R. Johnson, and his associates as the House of Representatives duly authorized by the Legislative Assembly of the Territory of New Mexico.

Mr. Candelario Garcia moved that the resolution and amendment be adopted.

The ayes and noes, were called on the question.

The question was put, the roll called and the result was as follows:

Ayes 7.—noes 6.

Those who voted in the affirmative were Hons. Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain, and Mr. President.

Those who voted in the negative were Hons. Severo Baca, J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, and Nicanor Vigil.

Consequently the resolution as amended was adopted.

Mr. J. Bonifacio Chaves presented a protest against the passage of the resolutions as amended, signed by him and Messrs. Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil, Benigno Jaramillo and Severo Baca.

Which was rejected.

Mr. Vicente St. Vrain made the following motion:

I move to reconsider the vote on the House resolutions.

Mr. Joseph F. Bennett moved that the motion to reconsider be laid on the table indefinitely.

Mr. Pedro Sanchez moved that both motions be adopted.

Agreed to.

Consequently the motion to reconsider the vote was laid on the table indefinitely.

Hon. Pedro Sanchez, moved that the Council adjourn until to-morrow, at 10 o'clock a. m.

Mr. Dionicio Vargas called for the ayes and noes.

The question was put, the roll called and the result was as follows:

Ayes, 4—noes, 9.

Those who voted in the affirmative were the honorables Severo Baca, J. B. Chaves, Benigno Jaramillo, and Nicanor Vigil.

Those who voted in the negative were the honorables, J. F.

Bennett, Dionicio Vargas, Candelario Garcia, Nazario Gonzales, Wm. T. Strachan, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain and Mr. President.

Consequently the Council did not adjourn.

Hon. Pedro Sanchez moved that the Council adjourn until to-morrow at 10 o'clock a. m.

Agreed to.

Consequently the Council adjourned until to-morrow at 10 o'clock, A. M.

SATURDAY, JANUARY 13, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Diego Archuleta, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Hon. Vicente St. Vrain moved that the journal be amended, in the place where the motions of reconsidering the vote and laying on the table were adopted, in such manner as to separate one from the other and that the last one clearly explain that the motion to reconsider was laid on the table indefinetely.

Agreed to.

The journal was amended and corrected.

Hon. Candelario Garcia, moved that the journal so amended be approved.

The ayes and noes were called on the question.

The question was put, the roll was called and the result was as follows:

Ayes 7—noes 6.

Those who voted in the affirmative were honorables Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain and Mr. President.

Those who voted in the negative were honorables Severo Baca, J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus M. Silva and Nicanor Vigil.

Having explained their votes honorables Severo Baca, Pedro Sanches, Benigno Jaramillo, J. Bonifacio Chaves, Jesus Maria Silva and Nicanor Vigil, when their names were called voted under protest for the approval of the journal.

The majority being for the approval of the journal so amended the journal was approved.

Petitions and memorials were announced in order.

Honorable Benigno Jaramillo, presented a protest signed by the honorables, Severo Baca, Benigno Jaramillo, J. Bonifacio Chaves, Pedro Sanches, Jesus Maria Silva and Nicanor Vigil, against recognizing by the Council the House of which J. R. Johnson pretends to be the Speaker as the legal House of Representatives of the Legislative Assembly of New Mexico.

Hon. Candelario Garcia, moved that the protest be rejected and not inserted in the journal.

A message from the House of Representatives was announced and the President explained to the messenger that the message could not be received as it came from a body not recognized by the Council and that he the messenger should so explain it.

The debate continued on the rejection of the protest.

Hon. Benigno Jaramillo, moved to be permited to speak the 3d. time on the question.

Denied.

The main question was called by Hon. Candelario Garcia.

Hon. Benigno Jaramillo, called the ayes and noes.

The question was put the roll called and the result is as follows:

Ayes 6—noes 7.

Those who voted in the affirmative were honorables, Severo Baca, José Bonifacio Chavès, Benigno Jaramillo, Pedro Sanches, Jesus Maria Silva and Nicanor Vigil.

Those who voted in the negative were honorables, Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain and Mr. President.

It having been decided on the negative the protest was neither received nor inserted in the journal.

Honorable Joseph F. Bennett, moved to suspend the rules to introduce a Resolution of this body.

The ayes and noes were called on question.

The question was put the roll called and the result was as follows:

Ayes 8—noes 5.

Those who voted in the affirmative were Hons. Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Vicente St. Vrain and Mr. President.

Those who voted in the negative were Hons. Severo Baca, J. B. Chaves, Pedro Sanches, Jesus Ma. Silva and Nicanor Vigil.

There not being a two-third vote the rules were not suspended.

Reports of standing committees were announced in order.

None.

Reports of special committees were announced in order.

None.

Resolutions of the Council were announced in order.

Hon. J. F. Bennett, introduced the following resolution:—

Whereas, on the 11, and 12, instant and during the session of the Legislative Assembly of this Territory a number of armed troops was stationed immediately in front of the Hall of the House and Council in Santa Fé, and

Whereas, the peaceably and orderly conduct of the citizens of the city of Santa Fé, did not require the presence of said troops in the immediate vicinity of said assembly.

Therefore, be it resolved by the Legislative Council, of the

Territory of New Mexico, That General G. Granger, as commander of the District of New Mexico be respectfully requested to send to the Council for its information a copy of the order or request upon which he has commanded the troops to be used for such purpose, and, in case that such request or order has been made by some constitutional authority of this territory enclosed, with any instructions which he has received.

Hon. Candelario Gareia moved the adoption of the resolutions.

Agreed to.

Hon. Candelario Garcia, moved that the Chief Clerk be instructed to forward a copy of said Resolutions to General G. Granger.

Agreed to.

The President so instructed the Chief Clerk.

When on motion of honorable Candelario Garcia, the Council adjourned until Monday the 15th. instant at 10 o'clock, A. M.

MONDAY, JANUARY, 15, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan Jose Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Ma. Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

Hon. Candelario Garcia moved a suspension of the rules to take action on the business upon the President's table.

Agreed to.

The Chief Clerk reported to have received the following answer from General Granger:

The resolution is received and it shall be attended to so soon as the papers can be copied.

G. GRANGER,

January 15th. 1872.

On motion of Hon. Candelario Garcia the report of the Chief Clerk together with the answer of Gen. G. Granger was received.

A message from the House of Representatives presided over by J. R. Johnson was announced and received.

Reports of standing committees in order.

None.

Reports of special committees in order.

None.

Resolutions of the Council were announced in order.

Hon. Joseph F. Bennett, present the following resolution:—

Resolved by the Council of the Legislative Assembly of the Territory of New Mexico, that His Excellency Marsh Giddings, Governor of said Territory be respectfully required to inform this body if the armed troops of the United States that were stationed in front and near the place of meeting of the Legislative Council during last week, were stationed there upon his requisition or consent, and if so what was the necessity to require their presence.

Hon. Pedro Sanchez moved the adoption of the resolution.

Hon. Nazario Gonzales in the chair.

Mr. Archuleta took the floor and explained the object of the resolution, and upon closing assumed the chair.

Hon. Candelario Garcia moved the yeas and noes on the adoption of the resolution.

The question was put the roll called and the result is as follows:

Those who voted for the adoption were Hons. Severo Baca, Joseph F. Bennett, W. T. Strachan, Nazario Gonzales, Pedro Sanchez, Vicente St. Vrain, Candelario Garcia and Mr. President.

Those who voted in the negative were Hon. J. B. Chaves, J. M. Silva, Dionicio Vargas, Benigno Jaramillo and Nicanor Vigil.

Therefore the resolution was adopted.

The Chief Clerk was instructed on motion of Hon. Candelario Garcia to forward a copy of said resolution to his Excellancy the Governor.

Agreed to.

Introduction of Bills and joint resolutions announced in order.

None.

Bills and joint resolutions in their second reading were announced in order by the President.

None.

Bills and joint resolutions in their third reading were announced in order by the President.

None.

On motion of Hon. Vicente St. Vrain action was taken on the business upon the President's table, out of order.

Business on the President's table.

Hon. Severo Baca, asked to be excused from attending to day's session on account of sickness.

Excused.

A bill to incorporate Silver City in Grant county.

Originated in the House, presided over by J. R. Johnson.

Hon. J. F. Bennett moved that the rules be suspended and that the act be read the 2d time, out of order.

The roll was called and the result was as follows:

Ayes 7—noes 5.

Those who voted in the affirmative were Hons. Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain and Mr. President.

Those who voted on the negative were Hons. J. B. Chaves, Benigno Jaramillo, Pedro Sanchez, J. M. Silva, and Nicanor Vigil.

There not being a two-third vote the rules were not suspended.

On motion of Hon. Benigno Jaramillo the act was ordered to be printed.

An act establishing precincts in the county of Colfax.

Originated in the House presided over by Hon. J. R. Johnson.

Was read the first time.

Honorable Dionicio Vargas moved that the rules be suspend-ed, and the act

Be read the second time,out of order.

The yeas and nays were called.

The question was put, the roll was called and the result was as follows:

Ayes 7—noes 5.

Those who voted in the affirmative were honorables Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain and Mr. President.

Those who voted in the negative were Hons. J. B. Chaves, Benigno Jaramillo, Pedro Sanchez,Jesus Ma. Silva, and Nicanor Vigil.

Therefore a two-third vote not being obtained the rules were not suspended.

Hon. Dionicio Vargas moved that the Chief Clerk be instructed to make a requisition upon the Secretary of the Territory for stationary for the members.

Agreed to.

The Chief Clerk was so instructed.

When on motion of honorable Pedro Sanchez the Council adjourned until to-morrow, at 10 o'clock a. m.

TUESDAY, JANUARY 16, 1872.

The Council met pursuant to adjournment.

The roll was was called, and the following members answered to their names, to wit: Hons. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil, and the President.

A quorum being present the Council proceeded to the dispatch of businesss.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

Hon. Dionicio Vargas, informed the Council that the Interpreter was sick and begged to be excused from to-day's session.

Agreed to.

The Interpreter was therefore excussed.

Hon. Pedro Sanches, moved to excuse honorable Severo Baca, as he was still sick.

Agreed to.

Hon. Severo Baca, was excused during his sickness.

Hon. Pedro Sanches, moved to excuse the assistant Clerk of this Body for two days.

Agreed to.

The assistant Clerk was excused.

The Chief Clerk announced to have received a communition from General Granger.

Hon. Candelario Garcia, moved to take action on the communication from General G. Granger.

Agreed to.

The following comunication was read and is as follows:

HEADQUARTERS DIS'T OF N M.

Santa Fé, January 15, 1872.

To the President of the Council, Territory of N. M.

SIR:—Enclosed please find copies of tho papers required by the resolution of the 13th. instant.

Respectfully your obdient servant.

G. GRANGER,

Col. of 15 U. S. Infantry.

The enclosed copies were also read.

On motion of honorable Candelario Garcia, the communication and copies were received.

Hon. Candelario Garcia made the following motion.

Mr. President:—I, move that the papers from General Granger be referred to a select committee consisting of Hons. Joseph F. Bennett, Vicente St. Vrain and W. T. Strachan.

On motion of honorable Pedro Sanches, the motion was adopted and the papers turned over to them.

Reports of the standing committees in order.

Hon. Vicente St. Vrain made the following report.

Mr. PRESIDENT :—

The standing committee on enrolled bills have the honor to report to this Hon. body that they have examined

A memorial relative to the increase of per-diem of the members of the Legislative Assembly.

And find it correctly enrrolled and respectfully ask the signature of the President.

V. ST. VRAIN,
Chairman of the Committee.

On motion of Hon. Pedro Sanches, the report of the committee was adopted.

The President anounced that he had signed the above mentioned act.

Reports of special committees were announced in order.

None.

Resolutions of the Council were announced in order.

None.

Introduction of Bills and joint resolutions were announced in order.

None.

Bills and joint resolutions in their third reading were announced in order.

None.

An act establishing a precinct in Colfax county.

Originated in the House presided over by J. R. Johnson.
Was read the first time.

And on motion of Hon. Pedro Sanches the act was referred to a committee consisting of honorable Pedro Sanches, Vicente St. Vrain and Nazario Gonzales.

Bills and joint resolutions in their 3d reading were announced in order by the President.

None.

Business on the President's table in order.

None.

Unfinished business was called in order.

An act (No. 26) relative to quack doctors in the Territory of New Mexico.

Was entertained as unfinished business.

Was read the second time.

Hon. J. Bonifacio Chaves, moved that the act be referred to a special committee consisting of honorable Pedro Sanches.

Agreed to.

The act was turned over to honorable Pedro Sanches.

When on motien of Hon. Candelario Garcia, the Council adjourned until to-morrow, at 11 o'clock a. m.

WEDNESDAY, JANUARY 17, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Diego Archuleta, Joseph F. Bennett, Dio-

nicio Vargas, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day, was read and approved.

A message from the House of Representatives, presided by Hon. J. R. Johnson was announced and received.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

None.

Reports of special committees were announced in order.

None.

Introduction of bills and joint resolutions were announced in order.

None.

A message from his Excellency the Governor was announced and received.

Bills and joint resolutions on their second reading.

None.

Bills and joint resolutions on their third reading.

None.

The President announced in order to move to take action on the business upon the President's table.

On motion of Hon. Candelario Garcia action was taken on the business on the President's table.

Business on the President's table.

The following communication of his Excellency the Governor was read :

TERRITORY OF NEW MEXICO,
EXECUTIVE OFFICE,
Santa Fé, N. M., Jan. 15, 1871.

To the Hon. Council of the Legislative Assembly :

I have this moment received a resolution of the Council in the words following, that is to say :

"Resolved, By the Council of the Legislative Assembly of New Mexico, That his Excellency Marsh Giddings, Governor of the said

Territory, be respectfully requested to inform this body, whether the armed forces of the United States which were situated in front of, and about the place of meeting of the said Council during the past week were so stationed at his request or with his consent, and if so what was the necessity which required their precence."

In reply to the inquiry in your resolution contained, I have the honor to announce to you that I am informed that on one day last week a large number of persons assembled in the lobby of the House of Representatives, and made such noisy demonstrations as almost wholly to prevent the transaction of business by the House and indicating a persistent and determined effort and purpose to prevent the House from proceeding with the public business, and on the next day upon the assembling of a large number of persons again in the lobby the Speaker of the House directed the lobby to be clared, and thereupon arose a great tumult, noise and uproar, and the Sergeant-at-Arms being unable to execute the mandate of the Speaker, called upon the Sheriff to aid him in clearing the lobby, who refused to go in obedience to the Speaker's order. The Sheriff refused to aid the Sergeant-at Arms, and the noise becoming so exceedingly great that no business could be done, the Speaker was compelled to adjourn the House until next day, and in as much as the civil authorities refused to render aid to the Sergeant-at-Arms, the Speaker made a request in writing to General Granger to furnish such force to aid the Sergeant-at-Arms as should be necessary to keep from the House all except members and officers of the House until the order of the Speaker was obeyed and quiet secured. Having read the statement of facts made by the Speaker as the foundation of his request, and believing it to be correct as a prudential measure due to the Speaker and the people I endorsed the request.

And in pursuance of this request, as I suppose, of Speaker Rudulph on one or two days of last week a squad of soldiers say from six to ten were sent around to the vicinity of the "palace" and on one day only, one soldier only was placed at the door of the House to aid the Sergeant-at-Arms should his services be required in keeping out of the House persons who had no right in the House. What orders these soldiers had from their superior officer I do not know,

but their conduct indicated very prudent orders from their commander.

Whether any affray, noise or disturbance occurred in the Council, causing the soldiers to be stationed in front of the building and near the Council, instead of the back yard which would have been nearer the House, I am not informed. But the evening prior to the time Speaker Rudulph desired aid to be furnished his Sergeant-at-Arms, I was informed that a body of men were in the Hall of the House who were neither the Council nor House of Representatives, and had stationed at the back windows for their protection or some other purpose several soldiers, but on whose request, or what authority, or for what purpose I have not learned, it has, however, been rumored that a small body of men had entered the hall in some way and had assumed to be the House of Representatives and had secured the aid of the military in their pretentions, of the facts in regard to it I have no personal knowledge and have paid very little heed to rumors.

I believe I have stated to you herein the substantial facts in this matter so far as they have come to my knowledge, and judging from this I feel confident no indignity was intended to the Council and that the Council is in no danger of either indignity or injury.

Very respectfully, your obedient servant,

(Signed) MARSH GIDDINGS,
Governor of New Mexico.

On motion of honorable Candelario Garcia, the communication was received.

And on motion of honorable Candelario Garcia the communication of his Excellency the Governor was referred to the same committee to whom the papers of General Granger were referred.

A communication from the House of Representatives presided over by J. R. Johnson was read and is as follows:

HOUSE OF REPRESENTATIVES,
Santa Fé, N. M., Jan. 17th, 1871.

Hon. Diego Archuleta, President of the Legislative Council:

SIR:—I am instructed by the Hon. House of Representatives to forward for the action of your honorable Body, the enclosed

petition of the inhabitants of precinct No. 3 of the county of San Miguel. All of which is respectfully submitted.

JESUS MA. SENA y BACA,
Chief Clerk of the House.

The petitions were also read for the information of the Council and

On motion of Hon. Benigno Jaramillo the communication together with the petitions was received.

On motion of Hon. Pedro Sanchez the communication together with the petition was referred to a special committee of three members, which consisted of Messrs. Pedro Sanchez, Benigno Jaramillo and Candelario Garcia.

The following communication of the House of Representatives presided over by J. R. Johnson was read, and is as follows:

HOUSE OF REPRESENTATIVES,
Santa Fé, N. M., Jan. 15th, 1871.

Hon. Diego Archuleta, President of the Council.

SIR:—I am instructed by this honorable body to inform the honorable Legislative Council that Hon. J. R. Johnson has been appointed Speaker of this honorable body, and the following gentlemen, officers of the same:

Nicolas Quintana—Assistant Clerk.
Pablo Dominguez—Enrolling Clerk.
José D. Garcia—Engrossing Clerk.
Henry C. Carson—Sergeant-at Arms.
Matias Dominguez—Porter.

Which officers have been sworn in in conformity with the law and are in actual service in said House. All of which I have the honor to inform you, for the information of the honorable Legislative Council.

Respectfully your obd't. serv't,
JESUS MARIA SENA y BACA,
Chief Clerk of the House.

Hon. Candelario Garcia moved that the communication be received and adopted.

Hon. J. Bonifacio Chaves, called the ayes and noes.

The question was put the roll called and the result is as follows:

Ayes 7—noes 6.

Those who voted in the affirmative were honorables, Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain and Mr. President.

Those who voted in the negative were honorables, Severo Baca, José Bonifacio Chaves, Benigno Jaramillo, Pedro Sanches, Jesus Maria Silva and Nicanor Vigil.

It having been decided in the affirmative the communication was received and adopted.

An act (No. 38) entitled an act to incorporate the town of Belen.

Originated in the House of Representatives.

Was read the first time.

Hon. Dionicio Vargas moved to suspend the rules to read the act the second time.

The ayes and noes were called on the question.

The question was put, the roll was called and the result was as follows:

Ayes 6—noes 7.

Those who voted in the affirmative were honorables Severo Baca, Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, Candelario Garcia, and Mr. President.

Those who voted in the negative were honorables J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus M. Silva Wm. T. Strachan, Vicente St. Vrain and Nicanor Vigil.

The act remained in its first reading.

When on motion of honorable Pedro Sanchez the Council adjourned until to-morrow, at 10 o'clock a. m.

THURSDAY, JANUARY 18, 1872.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names: Hons. Pedro Sanchez, Benigno Jaramillo, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales, Severo Baca and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day, was read and approved.

A message from the House of Representatives presided over by J. R. Johnson was announced and received.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

None.

Reports of special committees were announced in order.

None.

Introduction of bills and joint resolutions were announced in order.

None.

Bills and joint resolutions in their second reading were announced in order.

An act (No. 38) entitled an act incorporating the town of Belen.

Originated in the House of Representatives.

Was read the 2d time.

On motion of Hon. J. Bonifacio Chaves the act was referred to a special committee consisting of Hons. J. B. Chaves, Candelario Garcia and Joseph F. Bennett.

Bills and joint resolutions on their third reading were announced in order.

None.

When on motion of Hon. Pedro Sanchez the Council adjourned until 10 o'clock a. m.

FRIDAY, JANUARY, 19, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Dionicio Vargas, Severo Baca, Jose Bonifacio Chaves, William T. Strachan, Joseph F. Bennett, Nicanor Vigil, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of special committees were announced in order.

None.

Resolutions of the Council were announced in order.

None.

Introduction of bills and joint resolutions were announced in order by the President.

Mr. Vicente St. Vrain introduced—

An act establishing the precincts, and changing the county seat of the county of Colfax.

Which was read the first time.

On motion of honorable Pedro Sanchez, the rules were suspended and the act

Was read the second time.

On motion of Hon. Pedro Sanchez, the rules were further suspended and the act

Was read the 3d. time.

Mr. Nicanor Vigil moved the passage of the act.

The question was put and adopted, and the act passed.

Hon. Nazario Gonzales with suspension of rules made the following report:

MR. PRESIDENT:

The standing committee on territorial affairs to whom was referred the account of the Auditor of Public Accounts, have had the same under consideration and having found the same correct

respectfully recommend its adoption.

NAZARIO GONZALES,
Chairman of the Committee.

On motion of honorable Dionicio Vargas the report of the committee was adopted.

When on motion of Hon. Vicente St. Vrain the Council adjourned until to-morrow, Saturday, at 10 o'clock a. m.

SATURDAY, JANUARY 20, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Diego Archuleta, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Reports of standing committees in order.

None.

Reports of special committees in order.

None.

Resolutions of the Council were announced in order.

None.

Introduction of Bills and joint resolutions announced in order.

None.

Bills and joint resolutions on their second reading.

None.

Bills and joint resolutions on their third reading.

None.

Hon. J. B. Chaves moved to suspend the rules to allow the standing committees to make reports, out of order.

Agreed to.

Hon. J. F. Bennett made the following report:

MR. PRESIDENT:

The committee to whom was referred a bill providing for the appointment of appraisers of real estate in this Territory, to assess its value, upon which railroad lines are to cross in this Territory, having had the same under consideration, respectfully recommends its passage.

J. F. BENNETT,
Chairman of the Committee.

On motion of Hon. Pedro Sanchez the report was adopted.

Honorable Nicanor Vigil moved that the rules be suspended and read the act the 3d time, out of order.

Agreed to.

The act was read the third time.

On motion of Hon. Candelario Garcia the act passed.

A message from the House of Representatives, presided over by J. R. Johnson, was announced and received.

Hon. J. F. Bennett made the following report:

MR. PRESIDENT:

Your committee to whom was referred an act consolidating railroad lines in this Territory and mortgaging the same, having had the same under consideration, respectfully asks the passage thereof.

J. F. BENNETT,
Chairman of the Committee.

On motion of Honorable Pedro Sanchez the report the the committee was adopted.

The act remained under the order of the rules.

On motion of Hon. Pedro Sanchez action was taken on the business upon the President's table.

Business on the President's table.

An act No. 20 establishing the precincts, and changing the county seat of the county of Colfax.

Originated in this boby the House, presided over by J. R. Johnson, concurred in its passage.

Hon. Benigno Jaramillo moved to take action of the act above mentioned, because it did not specify clearly the change of the county seat.

Agreed to.

The act under consideration of the Council.

Hon. Pedro Sanchez moved that the words in the act in the last section where it reads "and after the" be striken out, and the word "the" inserted.

On motion of Hon. Nicanor Vigil the motion was adopted and the act ammended in conformity.

When on motion of honorable Pedro Sanches, the Council adjourned until Monday the 22d instant at 10 o'clock a. m.

MONDAY, JANUARY, 22, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan Jose Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Ma. Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees in order.

Hon. J. F. Fennett made the following report:

MR. PRESIDENT:

Your committee to whom was referred an act of the Council No. 11 authorizing counties to vote in the aid of railroad constructions, having had the same under consideration, respectfully recomends the passage thereof.

J. F. BENNETT,
Chairman of the Committee.

On motion of Hon. Pedro Sanchez the report of the committee was adopted.

Reports of special committees were announced in order.

None.

Introduction of bills and joint resolutions were in order.

Hon. W. T. Strachan introduced an act No. 21, relative to Notary Publics.

Which was read the first time and ordered to be printed.

Hon. J. F. Bennett introduced an act No. 22 to incorporate the town of Las Cruces.

The act was commenced to be read and on motion of Honorable Benigno Jaramillo the further reading of the act was dispensed with and the act was sent to be printed.

Hon. Candelario Garcia moved the yeas and nays.

The question was put, the roll was called and the result was as follows:

Ayes 9—noes 4.

Those who voted in the affirmative were honorables Severo Baca, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, W. T. Strachan, Nazario Gonzales, Benigno Jaramillo, Vicente St. Vrain, and Nicanor Vigil.

Those who voted in the negative were Hons. Candelario Garcia, Pedro Sanchez, Jesus Ma. Silva and Mr. President.

Consequently the further reading of the act was dispensed with and the act was sent to be printed.

Hon. Dionicio Bargas presented an act No. 23 special for precinct No. 3 of Rio Arriba county.

Was read the first time.

On motion of Hon. Pedro Sanchez the rules were suspended, and the act

Be read the second time.

Hon. Pedro Sanchez, moved that the rules be suspended and the act

Was read the third time.

On motion of Hon. Benigno Jaramillo the act passed.

When on motion of honorable Benigno Jaramillo the Council adjourned until to-morrow, at 10, o'clock a. m.

TUESDAY, JANUARY 23, 1872.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names, to wit: Hons. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil, and the President.

A quorum being present the Council proceeded to the dispatch of businesss.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

A message from the House of Representatives presided over by J. R. Johnson, was announced and received.

Hon. Pedro Sanches, moved that the acts establishing the precincts and changing the county seat of Colfax county be taken from the table, signed by the President and turned over to the committee on engrossed bills who shall present it to the Governor for his sanction.

On motion of Hon. Nicanor Vigil the motion was adopted.

The President announced to have signed the above said act and the same was turned over to the committee to present to the Gov.

Hon. Vicente St. Vrain made the following report.

Mr. President :—

The standing committee on engrossed bills have the honor to report to this Hon. body that they have examined

An act creating three additional precints in the county of Socorro, and abolishing precint No. 11, of the same, has had the same under examination and find it correctly engrossed and asks the signiture of the President.

V. St. Vrain,
Chairman of the Committee.

On motion of Hon. Nicanor Vigil, the report of the committee was adopted.

The President anounced that he had signed the above mentioned act.

Hon. Vicente St. Vrain made the following report:

Mr. President :—

The Standing committee on engrossed bills has the honor to report to the Legislative Council that they have examined

A memorial to Congress of the United States, and find it correctly engrossed and respectfully ask the signature of the president

Vicente St. Vrain,
Chairman of the Committee.

On motion of honorable Benigno Jaramillo the report of the committee was adopted.

The President announced to have signed the above mentioned memorial.

Reports of standing committees were announced in order.

Hon. Benigno Jaramillo made the following report :

MR. PRESIDENT :—

The Standing committee on the judiciary to whom was refered An act (No. 27), special, for precinct No. 3 of the county of San Miguel, has had the same under consideration, and believing it necessary respectfully recommend its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Severo Baca, the report of the committee was adopted.

Hon. Benigno Jaramillo moved that the act be read the 3d. time out of order.

Agreed to.

On motion of honorable Benigno Jaramillo, the act passed.

Honorable Benigno Jaramillo made the following report :

MR. PRESIDENT :—

The standing committee on the judiciary to whom was referred An act (No. 31) to establish police guards in the different precincts of this Territory, and designating the duties of said police guards thereof, has had the same under consideration and believing it useful respectfully recommend its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Nicanor Vigil, the report of the committee was adopted.

On motion of Hon. Benigno Jaramillo, the rules were suspended and the act

Was read the third time.

On motion of Hon. Benigno Jaramillo, the act passed.

Honorable Benigno Jaramillo made the following report :

MR PRESIDENT :—

The standing committee on counties to whom was referred An act creating an addition precinct in the county of Mora, has had the same under consideration and finding it necesary, re-

commend its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Severo Baca, the report was adopted.

On motion of honorable Benigno Jaramillo, the rules were suspended and the act

Was read the 3d. time.

On motion of honorable Vicente St. Vrain, the act passed.

Hon. J. Bonifacio Chaves, moved to take under consideration.

An act, No. 13, authorizing the consolidation of rail-road lines in this Territory and mortgage the same.

Agreed to.

The act, was read the 3d. time.

On motiou of honorable J. Bonifacio Chaves, the act passed.

Reports of special committees in order.

None.

Resolutions of the Council were announced in order.

None.

Introduction of bills and joint resolutions.

Hon. Joseph F. Bennett, introduced—

A joint resolution relative to compiling the laws giving jurisdiction to justices of the peace.

Which was read the first time and ordered to be printed.

Honorable Severo Baca, introduced—

An act establish and organize three additional precincts in the county of San Miguel, and to abolish precict No. 15 and extend the limits of precinct No. 7, in said county.

Which was read the first time.

On motion of Hon. Severo Baca, the rules were suspended and the act

Was read the 2d. time.

On motion of honorable J. B. Chaves the rules were suspended and the act

Was read the 3d. time out of order.

On motion of honorable J. Bonifacio Chaves, the act passed.

Honorable Joseph F. Bennett, introduced—

An act No. 25, to incorporate the city of Mesilla.

Which was commenced to be read

When on motion of honorable Joseph F. Bennett the further reading of the act was suspended and the act considered as read the first time and ordered to be printed.

Honorable Dionicio Vargas, introduced—

An act No. 26, entitled an act giging right to the justices of the peace in each precinct to appoint two competent persons of overseers of the farms during the summer.

Which was read the first time and ordered to be printed.

When on motion of Hon. Candelario Garcia, the Council adjourned until to-morrow, at 10 o'clock a. m.

WEDNESDAY, JANUARY 24, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Severo Baca, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

A message from his Excellency the Governor was announced and received.

Hon. Candelario Garcia, moved to adjourn until three o'clock p. m. to-day.

The ayes and noes were called for.

The question was put, the roll called and the result is as follows:

Ayes 7—noes 6.

Those who voted in the affirmative were honorables, Dionicio Vargas, Joseph F. Bennett, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Pedro Sanchez, and Vicente St. Vrain.

Those who voted in the negative were honorables, Severo Baca, José B. Chaves, Benigno Jaramillo, Jesus Maria Silva, Nicanor Vigil, and Mr. President.

Consequently the Council adjourned until 3 p. m. to-day.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

The roll was called, and a quorum being present the Council proceeded to the dispatch of business.

Petitions and memorials were announced in order.

None.

Reports of standing committees were anounced in order.

Hon. Benigno Jaramillo made the following report:

MR. PRESIDENT:—

The standing committee on the judiciary to whom was referred

An act establishing and fixing a house of observation on the frontiers of the different counties of this Territory.

Has had the same under consideration and returns a substitute to the same and recommends its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Nicanor Vigil, the report of the committee was adopted, and the substitute

Was read the first time.

On motion of honorable Severo Baca, the rules were suspended, and the act

Was read the second time.

On motion of Hon. Benigno Jaramillo, the rules were further suspended and the act

Was read the 3d. time.

On motion of Mr. Wm. T. Strachan the act passed.

Reports of special committees were announced in order.

Mr. Nazario Gonzales made the following report:

The select committee to which was referred—

A special act concerning an enclosure in precinct No. 11 of the county of San Miguel.

Has had the same under serious consideration and returns it without any amendment and recommends its passage.

NAZARIO GONZALES,
Chairman of the Committee.

On motion of Hon. Benigno Jaramillo the report of the committee was adopted.

On motion of honorable Benigno Jaramillo, the rules were suspended and the act

Was read the 3d. time.

On motion of Hon. Candelario Garcia the act passed.

Hon. Joseph F. Bennett made the following report:—[See Appendix].

Hon. Candelario Garcia moved that the report of the committee be adopted.

Hon. Pedro Sanchez moved that the word "contest" be stricken out of the report.

Mr. J. B. Chaves called for the ayes and noes.

The question was put, the roll called and the result was as follows:

Ayes 6.—noes 7.

Those who voted in the affirmative were Hons. Severo Baca, J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, and Nicanor Vigil.

Those who voted in the negative were Hons. Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain, and Mr. President.

Consequently the word "contest" was not stricken out.

Mr. Nazario Gonzales in the chair.

Hon. Diego Archuleta took the floor on the debate, and having concluded, assumed the chair.

Hon. J. Bonifacio Chaves moved that the question for the

adoption of the report be put separate.

Not agreed to.

Hon. Benigno Jaramillo moved that the words "to the Hon. President and members of the Legislative Council," be stricken out of the report.

The ayes and noes were called for.

The question was put, the roll called and the result was as follows:

Ayes, 6—noes, 7.

Those who voted in the affirmative were the honorables Severo Baca, J. B. Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, and Nicanor Vigil.

Those who voted in the negative were the honorables, J. F. Bennett, Dionicio Vargas, Candelario Garcia, Nazario Gonzales, Wm. T. Strachan, Vicente St. Vrain and Mr. President.

Consequently the words were not stricken out.

Mr. Benigno Jaramillo offered the following amendment:

I move to strike the words "your committee" out.

Hon. Candelario Garcia called the ayes and noes

Ayes 6—noes 7.

Those who voted in the affirmative were honorables Severo Baca, J. B. Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus Ma. Silva, and Nicanor Vigil.

Those who voted in the negative were honorables Joseph F. Bennett, Dionicio Vargas, Candelario Garcia, Nazario Gonzales, Vicente St. Vrain, Wm. T. Strachan, and Mr. President.

It having resulted in the negative the words were not stricken out.

Mr. J. Bonifacio Chaves moved to lay the report of the committee indefinitely on the table.

Mr. Nicanor Vigil in the chair.

Hon. Diego Archuleta took the floor on the debate, and having concluded, assumed the chair.

On motion of Hon. Candelario Garcia the motion of Hon. J. Bonifacio Chaves was rejected.

Mr. Pedro Sanchez moved that the word "troops" be stricken out of the report.

The ayes and noes were called for.

The roll was called and the result was as follows:

Ayes 6—noes 7.

Those who voted in the affirmative were Messrs. Severo Baca, J. B. Chaves, Benigno Jaramillo, Pedro Sanchez, J. M. Silva, and Nicanor Vigil.

Those who voted in the negative were Messrs. Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Can-Vicente St. Vrain and Mr. President.

It having resulted in the negative the word was not stricken out of the report.

Mr. Benigno Jaramillo moved that the report be referred to the same committee, and that Mr. J. Bonifacio Chaves be also appointed in it.

Mr. Benigno Jaramillo moved the adoption of the motion, and called for the yeas and nays.

The question was put the roll called and the result is as follows:

Ayes, 6—noes, 7.

Those who voted for the adoption were Hons. Severo Baca, J. B. Chaves, Pedro Sanchez, Benigno Jaramillo J. M. Silva, and Nicanor Vigil.

Those who voted in the negative were Hons. Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain, W. T. Strachan, and Mr. President.

It having resulted in the negative the motion was not adopted.

Mr. Benigno Jaramillo moved that the report of the committee be referred to a special committee consisting of Messrs. Garcia, Gonzales, Vargas, Bennett, St. Vrain, Strachan and Sanchez.

The ayes and noes were called on the question.

The question was put, the roll called, and the result was as follows:

Ayes 6—noes 7.

Those who voted in the affirmative were honorables Severo Baca, J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus M. Silva and Nicanor Vigil.

Those who voted in the negative were honorables Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, Candelario Garcia,

Wm. T. Strachan, Vicente St. Vrain and Mr. President.

It having resulted in the negative the motion was not adopted.

Mr. Pedro Sanchez moved to strike out the word "report" and insert, "a system of public schools."

Not agreed to.

Mr. Candelario Garcia moved to put the question for the adoption of the report.

Mr. J. B. Chaves called for the ayes and noes.

The question was put, the roll called and the result was as follows:

Ayes 7.—noes 6.

Those who voted in the affirmative were Hons. Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain, and Mr. President.

Those who voted in the negative were Hons. Severo Baca, J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, and Nicanor Vigil.

It having resnlted in the affirmative the report of the committee was adopted.

Mr. Benigno Jaramillo moved, not to insert in the journal the motions for adjournment.

Agreed to.

Resolutions of the Council were announced in order.

Mr. Candelario Garcia introduced the following resolution:

Resolved by the Council, That three thousand copies of the report be printed—fifteen hundred in English and fifteen hundred in Spanish, and that they be distributed among the members of the Council and House of Representatives.

Mr. Benigno Jaramillo offered the following rmendment:

That one thsusand copies of to-day's journal be printed.

Not agreed to.

Mr. Pedro Sanchez offered the following amendment:

That fifteen hundred be printed in French and fifteen hundred in German.

Not agreed to.

Mr. Candelario Garcia moved that the resolution be adopted.

Hon. J. Bonifacio Chaves, called the ayes and noes.

The question was put the roll called and the result is as follows: Ayes 7—noes 6.

Those who voted in the affirmative were honorables, Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Vicente St. Vrain and Mr. President.

Those who voted in the negative were honorables, Severo Baca, José Bonifacio Chaves, Benigno Jaramillo, Pedro Sanches, Jesus Maria Silva and Nicanor Vigil.

Therefore the resolution was adopted.

When on motion of Hon. Benigno Jaramillo, the Council adjourned until to-morrow, at 11:30 a. m.

THURSDAY, JANUARY 25, 1872.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names: Hons. Pedro Sanchez, Benigno Jaramillo, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales, Severo Baca and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day, was read and approved.

Hon. J. Bonifacio Chaves, presented verbally in the name of Guadalupe Otero the resignation of said Otero as interpreter of the Council on account of sickness.

On motion of Hon. Pedro Sanches said resignation was adopted.

The President announced that it was proper to preceed to the appointment of an Interpreter.

Hon. Pedro Sanches, proposed Mr. N. Quintana as interpreter

Honorable Nazario Gonzales proposed for the same office Mr. E. J. Edgar.

Honorable Benigno Jaramillo proposed for the same office Mr. Vicente Archuleta.

The ayes and noes were called on the question.

The question was put the roll called and the result was as follows :

Those who vote in favor of Mr. E. J. Edgar, were honorables Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gozales, Candelario Garcia, Vicente St. Vrain and Mr. President.

Those who voted in favor of Mr. Vicente Archuleta, were honorables Severo Baca, J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanches, Jesus Maria Silva and Nicanor Vigil.

For Mr. Nicolas Quintana, none.

Mr. E. J. Edgar, having the largest number of the votes was declared to be interpreter of the Council.

Hon. Nazario Gonzales moved that a special committee of three members be appoined for the purpose of requesting the honorable Secretary of the Territory to administer the oath to Mr. E. J. Edgar as an interpreter of the Council.

Agreed to.

The committe appointed were honorables Gonzales, Vigil and Vargas, who proceeded to perform their duty.

On motion of Hon. Candelario Garcia the Council took a recess during the absence of the committee.

The committee having returned the Council was called to order.

The committee reported to have filled their charge and that they had the honor to accompany the honorable Secretary.

The Secretary having been received proceded to administer the oath to Mr. E. J. Edgar as interpreter.

A vote of thanks was tendered to the honorable Secretary by the President in behalf of the Council and the committee instructed to serve him to his office.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

None.

Reports of special committees were announced in order.

Hon. J. F. Bennett made the following report:

MR. PRESIDENT:

Your committee to whom was referred

An act No. 35, a special act for the county of Doña Ana, providing for the damage of annimals having examined the same believe it is necesary and most respectfully recommend its passage.

J. F. BENNETT,
Chairman of the Committee.

On motion of Honorable Pedro Sanchez the report of the committee was adopted.

On motion of Hon. Joseph F. Bennett, the rules were suspended and the act

Was read the 3d. time out of order.

On motion of honorable Vicente St. Vrain, the act passed.

Honorable J. Bonifacio Chaves, made the following report:

MR. PRESIDENT:—

The special committee to whom was referred

An act (No. 38) entitled an act incorporating the town of Belen, has had the same under consideration and respectfully recommend its passage.

J. BONIFACIO CHAVES,
Chairman of the Committee.

On motion of honorable Joseph F. Bennett, the report of the committee was adopted.

Honorable J. Bonifacio Chaves, moved the rules be suspended and the act

Was read the third time.

Hon. Candelario Gargia moved that the act be referred to the same committee again.

Agreed to.

Hon. J. Bonifacio Chaves moved to be excused from further service on said committee.

Not agreed to.

Hon. Vicente St. Vrain made the following report.

Mr. President :—

The standing committee on engrossed bills have the honor to report that they have examined the following act :

An act (No. 31) to establish police guards in the different precincts of this Territory, and designating the duties of said police guards thereof,

An act, special No. 29, for precinct No. 10, of Jarales in the county of Valencia.

An act creating an additional precinct in the county of Mora,

An act (No. 27), special, for precinct No. 3 of the county of San Miguel,

A especial act enabling two abolised precincts in the county of Doña Ana, all of which are correctelly engrossed and respectfully ask the signature of the President to the same.

V. St. Vrain,
Chairman of the Committee.

On motion of Hon. Dionicio Vargas, the report of the committee was adopted.

The President anounced that he had signed the above mentioned act.

Hon. Vicente St. Vrain made the following report :

Mr. President :—

The Standing committee on engrossed bills has the honor to report that they have examined

An act (No. 32), special, for precinct No. 2 of Corrales, in the county of Bernalillo, and find it correctly enrrolled and respectfully ask the signature of the president.

Vicente St. Vrain,
Chairman of the Committee.

On motion of Hon. Dionicio Vargas, the report of the committee was adopted.

The President announced to have signed the above said act.

Hon. Nicanor Vigil, in the chair.

Hon. Candelario Garcia moved to take action of

An act for precinct No. 1, of the county of Socorro, out of order.

Agreed to.

Which was read the 2d time.

On motion of honorable Candelario Garcia, the rules were suspended and the act

Was read the 3d. time and passed.

Resolutions of the Council were announced in order.

Hon. Dionicio Vargas, introduced the following resolution—

Resolved by the Council of the Territory of New Mexico; That the Chief Clerk be instructed by the President to make a formal requisition on the Secretary of the Territory to supply this body with the necessary utencils of stationary.

Hon. Dionicio Vargas, moved the adoption of the resolution.

Hon. J. Bonifacio Chaves moved the ayes and noes.

The question was put the roll colled and the result was as follows:

Ayes 8—noes 5.

Those who voted in the affirmative were honorables Joseph F. Bennett, Dionicio Vargas, J. Bonifacio Chaves, Pedro Sanches, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Those who voted in the nagative were honorables Severo Baca, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia and Benigno Jaramillo.

Consequently the resolution was adopted and the Secretaty instructed in conformity.

Introduction of Bills and joint resolutions announced in order.

Hon. Candelario Garcia, introduced—

A joint resolution relative to draft of state constitution.

Which was read the first time.

The President in the chair.

On motion of Hon. Candelario Garcia the rules were suspended and the resolution

Was read the 2d. time.

Hon. J. Bonifacio Chaves, offered the following amendment to the resolution that after the word "solemnly" be inserted "that we wish that" and after the word New Mexico insert "be erected."

Agreed to.

Hon. Benigno Jaramillo, moved that the resolution be referred to a special committee of five members who shall report on the same in the session of two-morrow.

Agreed to.

The committee appointed for such purpose consisted of Hons. Benigno Jaramillo, J. Bonifacio Chaves, Joseph F. Bennett and Nazario Gonzales.

When on motion of Hon. Pedro Sanchez the Council adjourned until 10 o'clock a. m.

FRIDAY, JANUARY, 26, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Dionicio Vargas, Severo Baca, Jose Bonifacio Chaves, William T. Strachan, Joseph F. Bennett, Nicanor Vigil, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Hon. J. B. Chaves moved to adjourn until three o'clock p. m. to-day.

Hon. Dionicio Bargas moved the yeas and nays.

The question was put, the roll was called and the result was as follows:

Ayes 8—noes 5.

Those who voted in the affirmative were honorables Severo Baca, J. B. Chaves, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Ma. Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. Joseph F. Bennett, Dionicio Bargas, W. T. Strachan, Nazario Gonzales, and Vicente St. Vrain.

Having resulted in the affirmative the Council adjourned until 3 p. m. to-day.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The roll was called, and a quorum being present the Council proceeded to the dispatch of business.

A message from the House of Representatives, presided over by J. R. Johnson, was announced and received.

Hon. Vicente St. Vrain moved to adjourn until to-morrow at 10 o'clock a. m.

The yeas and nays were called.

The roll was called and the result was as follows:

Ayes 4—noes 6.

Those who voted in the affirmative were Hons. Joseph F. Bennett, Candelario Garcia, Vicente St. Vrain and Mr. President.

Those who voted in the negative were Hons. Severo Baca, J. B. Chaves, Nazario Gonzales, Benigno Jaramillo, J. M. Silva, and Nicanor Vigil.

Having resulted in the negative the Council was not adjourned.

Reports of standing committees were anounced in order.

Hon. Benigno Jaramillo made the following report:

MR. PRESIDENT:—

The special committee to whom was referred

A joint resolution which provides to appoint a committee to frame a State constitution and submit the same to the people for its approval, to erect the Territory of New-Mexico in to a free and

sovereign State.

Your committee after a serious and mature deliberation in the matter reports a substitute and recommends its passage.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of Hon. J. B. Chaves the report of the committee was adopted, and also the substitute.

Which was read the first time.

On motion of Hon. Benigno Jaramillo the rules were suspended, and the resolutions

Were read the second time, out of order.

On motion of Hon. Severo Baca the resolutions were referred to the same committee with instructions to report to-morrow morning.

When on motion of honorable Severo Baca the Council adjourned until to-morrow, at 10, o'clock a. m.

SATURDAY, JANUARY 27, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Diego Archuleta, J. Bonifacio Chaves, Wm. T. Strachan, Joseph F. Bennett, Nicanor Vigil, Jesus Maria Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees in order.

None.

Reports of special committees in order.

Honorable Benigno Jaramillo made the following report :

MR. PRESIDENT :—

The special committee to whom was referred,

A joint resolution withe instructions to report the following day has the honor to report to this Hon. Body that they have had the same under consideration and finding it necessary, very respectfully recommend its approval.

BENIGNO JARAMILLO,
Chairman of the Committee.

On motion of honorable Severo Baca the report of the committee was adopted.

On motion of honorable Severo Baca the rules were suspended and the resolutions

Were read the 3d. time.

On motion of Hon. Candelario Garcia the resolutions passed.

The President in compliance with the resolutions appointed the following committee, which consisted of Hons. Candelario Garcia, Benigno Jaramillo, J. B. Chaves, N. Gonzales and V. St. Vrain.

Resolutions of the Council were announced in order.

None.

Introduction of bills and joint resolutions were announced in order.

Hon. Nicanor Vigil introduced—

An act special for precinct No. 5 of the county of Taos, which was read the first time and sent to be printed.

Hon. W. T. Stachan introduced—

An act No. 28, defining the dividing line between the counties of Lincoln and Doña Ana, and for other purpose..

Which was read the first time and sent to be printed.

Hon. J. F. Bennett introduced—

An act ammendatory to certain mining acts in the Territory of New Mexico,

Which was read the first time.

On motion of honorable J. F. Bennett, the rules were suspended and the act

Was read the second time.

On motion of Hon. J. B. Chaves, the rules were further suspended and the act

Was read the 3d. time, and passed.

Hon. Candelario Garcia introduced—

An act No. 30 relative to sucsession and inheritance of married persons.

Which was read the first time.

On motion of honorable Nicanor Vigil, the rules were suspended, and the act

Was read the second time.

On motion of honorable Candelario Garcia, the rules were suspended and the act

Was read the 3d. time.

Hon. Candelario Garcia moved the passage of the act.

The ayes and noes were called for.

The question was put, the roll called and the result is as follows:

Ayes 10—noes 0.

Those who voted in the affirmative were Hons. Severo Baca, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves,W. T. Strachan, Nazario Gonzales, Benigno Jaramillo, Jesus Ma. Silva, Nicanor Vigil and Mr. President.

Consequently the act passed unanimously.

Hon. Benigno Jaramillo introduced—

An act to authorize parties to testify in courts as witnesses,

Which was read the first time.

On motion of honorable J. B. Chaves the rules were suspended and the act

Was read the second time.

On motion of Hon. J. Bonifacio Chaves the rules were further suspended, and the act

Was read the third time.

The yeas and noes were called for.

The question was put, the roll called and the result was as follows:

Ayes 13—noes 0.

Those who voted on the affirmative were Hons. Severo Baca, Dionicio Vargas, J. B. Chaves, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramille, Pedro Sanchez, J. M. Silver, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Therefore the act passed unanimously.

Honorable Pedro Sanchez introduced—

An act relative to the real estate of minors.

Was read the first time.

On motion of honorable J. B. Chaves, the rules were suspended and the act

Was read the second time, out of order.

On motion of Hon. Vicente St. Vrain the rules were further suspended and the act

Was read the third time.

On motion of Honorable Pedro Sanchez the act passed.

Honorable Nazario Gonzales introduced—

An act No. 33 ammending section 2d of an act, approved February 1st, 1870,

Which was read the first time and sent to be printed.

Hon. Candelario Garcia moved to take action of an act to incorporate Silver City.

Originated in the House, presided over by J. R. Johnson.

Agreed to.

Which was read the first time.

On motion of Hon. Condelario Garcia the rules were suspended, and the act

Was read the third time.

On motion of Hon. Pedro Sanchez the act passed.

When on motion of honorable Pedro Sanches, the Council adjourned until next Monday at 10 o'clock a. m.

MONDAY, JANUARY, 29, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Benigno Jaramillo, Dionicio Vargas, Diego Archuleta, J. Bonifacio Chaves, Juan Jose Gonzales, Joseph F. Bennett, Nicanor Vigil, Jesus Ma. Silva, Candelario Garcia, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Mr. Dionicio Vargas moved a call of the Council.

The roll was called and Mr. Pedro Sanchez was absent.

Mr. Pedro Sanchez appeared and presented his excuse, which was accepted and the further call of the Council was suspended.

A message from the House of Representatives presided over by J. R. Johnson was announced and received.

Reports of standing committees in order.

Hon. J. F. Bennett made the following report:

MR. PRESIDENT:

Your committee to whom was referred an act amending the revenue law of the Territory, respectfully reports a bill including all the important facts, with all amendments and alterations calculated to meet the requisitions of the Territory of New Mexico.

J. F. BENNETT,
Chairman of the Committee.

A message from the House of Representatives presided over by J. R. Johnson, was announced and received.

On motion of honorable Vicente St. Vrain, the report of the committee together with the substitute presented was adopted.

On motion of Hon. Vicente St. Vrain, the rules were suspended and the act

Was read the 2d. time.

Mr. Nazario Gonzales in the chair.

The President gave his views of the necessity of the act, and assumed the chair.

On motion of Mr. Nicanor Vigil the act under advisement, was referred to a special committee consisting of Messrs. Candelario Garcia, Pedro Sanchez and J. Bonifacio Chaves, with instructions to report in the afternoon session.

A committee from the House of Representatives was announced and received, and through its chairman, J. Sisneros, presented to the Council a communication of the House of Representatives notifying the resignation of M. Rudulph.

Hon. Candelario Garcia moved that the rules be suspended to take action on the business on the President's table.

Agreed to.

Business on the President's table.

The following communication of the House of Representatives presided over by J. R. Johnson was read, and is as follows:

HOUSE OF REPRESENTATIVES,
Santa Fé, N. M., Jan. 29th, 1871.

Hon. Diego Archuleta, President of the Council.

SIR:—I have the honor to inform you, and through you, to your honorable body, that the House of Representatives in the session of to-day, Mr. M. Rudulph having tendered his resignation as the Speaker thereof, and the same having been accepted, Hon. Gregorio Otero has been appointed Speaker of the same, all of which is respectfully submitted.

JESUS MARIA SENA Y BACA,
Chief Clerk of the House.

Hon. Benigno Jaramillo moved that the communication be received and adopted.

Mr. Wm. T. Strachan called for the yeas and nays.

The question was put, the roll called, and the result was as follows:

Ayes 10—noes 3.

Those who voted in the affirmative were honorables, Severo Baca, José B. Chaves, Benigno Jaramillo, Nazario Gonzales, Candelario Garcia, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil, and Mr. President.

Those who voted in the negative were honorables, Joseph F. Bennett, Dionicio Vargas, and Wm. T. Strachan.

Consequently the communication was received and adopted.

The Hon. President requested the committee of the House to inform that body that the communication had been received and adopted by the Council.

Mr. Pedro Sanchez with suspension of the rules introduced the following resolution:

Resolved by the Legislative Council of the Territory of New Mexico, That the Council hereby recognize the body over which Hon. Gregorio Otero presides, as the House of Representatives of this Territory, and all communications from said body shall be received as coming from the House of Representatives, and all messages or communications from the Council to the House of Representatives of the Territory thall be sent to such body hereafter.

Mr. Severo Baca moved the adoption of the resolution:

Mr. Dionicio Vargas called for the yeas and nays.

The question was put, the roll called, and the result was as follows:

Ayes 10—noes 3.

Those who voted in the affirmative were the honorables Severo Baca, J. Bonifacio Chaves, Nazarie Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil, and Mr. President.

Those who voted in the negative were the honorables Joseph F. Bennett, Dionicio Vargas, and Wm. T. Strachan.

Consequently the resolution was adopted.

Hon. Pedro Sanchez moved that a copy of the foregoing resolution be sent to the House of Representatives, through a special committee, for their information.

Hon. Dionicio Vargas called the ayes and noes the on question.

The question was put, the roll called, and the result was as follows:

Ayes 10—noes 3.

Those who voted in the affirmative were honorables Severo Baca, J. Bonifacio Chaves, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus M. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Those who voted in the negative were honorables Joseph F. Bennett, Dionicio Vargas and Wm. T. Strachan.

Consequently the motion was not adopted.

The committee announced were Hons. Sanches, Vargas and Jaramillo.

Hon. Dionioio Vargas asked to be excused from serving.

Not agreed to.

Therefore the committee proceeded to fulfill their charge.

The committee having returned reported to have complied with their charge and was discharged from further service.

Resolutions of the Council were announced in order.

None.

When on motion of Hon. Nicanor Vigil, the Council adjourned until 3 p. m. to-day.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The roll was called, and a quorum being present the Council proceeded to the dispatch of business.

Bills and joint resolutions on their second reading were announced in order.

An act No. 21 relative to Notaries Public

Which was read the 2d. time.

A message from the House of Representatives was announced and received.

Honorable Wm. T. Strachan, moved that the rules be suspended and the act

Be read the 3d. time.

Hon. Wm. T. Strachan called for the ayes and noes.

The question was put, the roll called and the result was as follows:

Ayes 6.—noes 7.

Those who voted in the affirmative were Hons. Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Vicente St. Vrain, and Mr. President.

Those who voted in the negative were Hons. Severo Baca, J. Bonifacio Chaves, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva and Nicanor Vigil.

A two thirds vote not having been obtained the rules were not suspended.

Hon. Joseph F. Bennett, move to take action on

A bill No. 19, relative to changing the times of holding the district courts in the 3d judicial district, and that the copy thereof be certified by the Clerk as the original.

The motion was adopted.

The bill was read the 3d time.

On motion of honorable Pedro Sanches, the act passed.

Hon. Nazario Gonzales moved to take action on the business on the President's table.

Agreed to.

Business on the President's table.

The following communication of his Excellency the Governor was announced, and is as follows :

TERRITORY OF NEW MEXICO,
EXECUTIVE OFFICE,
Santa Fé, N. M., Jan. 23, 1871.

Hon. Diego Archuleta, President of the Legislative Council :

SIR :—I have the honor to inform you and through you the honorable Legislative Council that I have this day signed and approved

An act No. 20 establishing the precincts, and changing the county seat of the county of Colfax.

Originated in that Body.

Very respectfully, your obedient servant,
(Signed) MARSH GIDDINGS,
Governor of New Mexico.

On motion of honorable Pedro Sanches the communication was adopted.

The following comunication of His Excellency the Governor was read and is as follows :

TERRITORY OF NEW MEXICO,
EXECUTIVE OFFICE.
Santa Fé, N. M., Jan. 27, 1872.

Hon. Diego Archuleta, President of the Council,

SIR :—I have the honor to inform you and throug you that

honorable body that I have this day approved and signed the following acts, to wit:

A special act for precinct of Jarales in the county of Vancia.

An act No. 22, special enabling two abolished precincts in the county of Doña Ana.

An act creating an additional precinct in the county of Mora.

A special act for precinct No. 3, of the county of San Miguel.

Respectfully your obdient servant.

MARSH GIDDINGS,

Governor of New Mexico.

On motion of Hon. Benigno Jaramillo the communication was adopted.

An act No. 14, ammending the revenue laws of this Territory.

Originated in the House of Representatives.

Was read the first time.

Hon. Nicanor Vigil moved to suspend the rules and the act

Was read the 2d. time.

Hon. Dionicio Vargas called the ayes and noes.

The question was put, the roll called and the result was as follows:

Ayes, 6—noes, 7.

Those who voted in the affirmative were the honorables Severo Baca, J. B. Chaves, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil, and Mr. President.

Those who voted in the negative were the honorables, J. F. Bennett, Dionicio Vargas, Wm. T. Strachan, Candelario Garcia, Lazario Gonzales, Benigno Jaramillo and Vicente St. Vrain.

Therefore the rules were not supended

The business on the president's table having been finished.

On motion of honorable Severo Baca the Council took a recess for a half an hour.

The time having expired the President colled the Cauncil to order.

A message from the House of Representatives was announced and received.

Honorable Benigno Jaramillo moved to appoint a select committee consisting of honorables Garcia, Sanches and Chaves, with instruction to solicit another of equal number of the House of Representatives to confer in regard to the two revenue laws now before the Council.

Hon. Nazario Gonzales, in the chair.

Honorable Diego Archuleta, explained the necesity of the appointment of said committee.

A message from the House of Representatives was announced and received.

The President in the chair.

Hon. Candelario Garcia, moved the ayes and noes.

The question was put the roll called and the result was as follows:

Ayes 7—noes 6.

Those who voted in the affirmative were honorables Severo Baca, J. Bonifacio Chaves, Benigno Jaramillo, Pedro Sanches, Jesus Maria Silva, Nicanor Vigil and Mr. President.

Those who voted in the nagative were honorables Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia and Vicente St. Vrain.

Having resulted in the affirmative the motion was adopted and the committee appointed.

Honorable Dionicio Vargas moved to take a recess until seven o'clock p. m. to-day.

Honorable Dionicio Vargas, called the ayes and noes.

The question was put the roll called and the result is as follows:

Ayes 7—noes 6.

Those who voted in the affirmative were honorables, Severo Baca, José Bonifacio Chaves, Benigno Jaramillo, Pedro Sanches, Jesus Maria Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were honorables, Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia and Vicente St. Vrain.

Having resulted in the affirmative the Council took a recess until 7, p. m.

The time of the recess having expired the President called the Council to order.

The roll was called and a quorum being present the Council proceeded to the dispatch of business.

Honorable Candelario Garcia, with suspension of rules made the following report:

MR. PRESIDENT :—

The special committee entrusted with the drafting of a Estate constitution, after a hard labor present the accompanying constitution and recommend its adoption.

CANDELARIO GARCIA,
Chairman of the Committee.

On motion of honorable Benigno Jaramillo, the report of the committee was adopted.

Hon. Pedro Sanches, moved to suspend the reading of the constitution in order to invite the House of Representatives to a joint session for the purpose of adopting the constitution.

Agreed to.

Honorable José Bonifacio Chaves, moved to appoint a special committee to request another of equal number of the Houso to confer upon the propriety of a joint session for the purpose of adopting a constitution.

Agreed to.

The committee announced were Hons. Chaves, St. Vrain and Vigil.

The committee proceeded to fulfil its charge.

The committee reported that the Hause had accepted the invitation and appointed a committee of conference, and that the joint committee had agreed that both bodies should meet tomorrow at four o'clock p. m. in the hall of the House of Representatives to take the constitution under advisement.

The report of the committee was adopted.

A message from the House of Representatives was announced and received.

Business on the President's table still in order.

An act relative to agreements for the payment of money.

Originated in the House of Representatives.

Was read the first time.

Hon. Pedro Sanches moved to suspend the rules and the act Be read the 2d. time.

The ayes and noes were called for.

The question was put the roll called and the result is as follows:

Ayes, 7—noes, 6.

Those who voted in the affirmative were Hons. Dionicio Vargas, J. B. Chaves, Candelario Garcia, Pedro Sanchez, J. M. Silva, Nicanor Vigil, and Mr. President.

Those who voted in the negative were Hons. Severo Baca, J. F. Bennett, W. T. Strachan, Nazario Gonzales, Benigno Jaramillo and Vicente St. Vrain.

Not having been two-thirds the rules were not suspended.

An act No. 45 enabling two precincts in the county of Bernalillo.

Was read the first time.

On motion of Mr. J. B. Chaves the rules were suspended and the act

Was read the second time.

On motion of Honorable J. Bonifacio Chaves the act was referred to Hon. W. T. Strachan.

An act relative to public schools.

Originated in the House of Representatives.

Was read the first time, and sent to be printed.

Hon. Dionicio Bargas moved to adjourned until to-morrow, at 10 o'clock a. m.

The ayes and noes were called on the question.

The question was put the roll called and the result was as follows:

Ayes 5—noes 8.

Those who voted in the affirmative were honorables Joseph F. Bennett, Dionicio Vargas, Wm. T. Strachan, Nazario Gonzales, and Vicente St. Vrain.

Those who voted in the negative were honorables Severo Baca, J. B. Chaves, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Ma. Silva, and Mr. President.

Having resulted in the negative the Council did not adjourn.

Hon. Dionicio Vargas moved to be excused from attending the session to-night.

Agreed to.

An act No. 42 providing for appraiser of the lands upon which railroads have to cross.

Originated in the House of Representatives.

Was read the first time.

On motion of Mr. S. Baca the rules were suspended and the act

Was read the second time.

On motion of Mr. J. B. Chaves the rules were suspended and the act

Was read the third time.

On motion of Hon. Nazario Gonzales the act passed.

An act No. 43 authorizing the consolidation of railroad lines and mortgaging the same.

Originated in the House of Representatives.

Was read the first time.

On motion of Mr. P. Sanchez the rules were suspended and the ac

Was read the second time.

On motion of Mr. Pedro Sanchez the rules were further suspended and the act

Was read the third time.

On motion of Hon. Benigno Jaramillo the act passed.

An act No. 44 relative to common pastures within the limits of New Mexico.

Originated in the House of Representatives.

Was read the first time.

On motion of Mr. P Sanchez the rules were suspended and the act

Was read the second time.

On motion of Mr. Pedro Sanchez the rules were further suspended and the act

Was read the third time.

On motion of Hon. Nicanor Vigil the act passed.

A special act for precinct No. 1 of Socorro county.

An act relative to real estate of minors.

An act establishing and fixing a revenue house in each precinct in the different counties of this Territory.

An act relative to succession and inheritance of married persons.

An act changing the time of holding the courts in the third judicial District of New Mexico.

All of which originated in this body.

The House of Representatives concurred in their passage without any ammedments.

Hon. J. B. Chaves moved to take action of an act entitled a bil authorizing counties to aid in the construction of railroads.

Agreed to.

The act was read the third time.

And on motion of Hon. J. B. Chaves the act passed.

When on motion of Hon. Severo Baca the Council adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, JANUARY 30, 1872.

The Council met pursuant to adjournment.

The roll was called, and the following members answered to their names, to wit: Hons. Diego Archuleta, Joseph F. Bennett, Dionicio Vargas, J. Bonifacio Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Vicente St. Vrain, Nicanor Vigil, and the President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

Honorable Vicente St. Vrain, made the following report:

MR. PRESIDENT:—

The standing committee on engrossed bills has the honor to report to this honorable body that they have examined:

An act providing for an inclosure in precinct No. 16 of the county of San Miguel.

An act to establish and organize three additional precincts in

the county of San Miguel.

An act establishing and fixing a house of observation on the frontiers of the different counties of this Territory.

An act (No. 19) changing the time of holding the District Court in the third judicial district of New Mexico.

A special act for precint No. 1, of the county of Socorro.

A special act for the county of Doña Ana relative to damages by animals.

An act relative to the real estate of minors.

An act relative succession and inheritance of married persons, All of which are correctly ingrossed and most respectfully asks the signature of the President to the same.

VICENTE ST. VRAIN,
Chairman of the Committee.

On motion of Hon. Dionicio Vargas the report was adopted.

The President announced to have signed the above mentioned acts.

A message from the House of representatives was announced and received.

Reports of special committees were announced in order.

A communication from the House of Representatives was announced and received, and through its chairman request the signature of the President to the following acts:

An act, No. 13, authorizing the consolidation of rail-road lines in this Territory and to mortgage the same.

An act No 42, providing for the appointment of appraisers to value the real estate upon which railroad lines shall pass.

An act relative to common pastures within the limts of New Mexico, all of which originated in the House and passed both Houses.

The President announced that he had signed the above mentioned acts.

Hon. Candelario Garcia made the following report:

MR. PRESIDENT:

My report is, begging this body not to strick out of the act the words one third for the Territory, one third for the county and one third for schools.

CANDELARIO GARCIA,
Chairman of the Committee.

The majority made the following report:

The committee of the Council, which was appointed to confer with another of the House of Representatives upon council bill No. 9, and House bill No. 41, and report Council bill No. 9, with amendment and substitutions with the exception of that part in section 6, where number one hundred is divided in fifths and giving the Territory three fifths, and the other two fifths equally to the county and schools, the committee is devided five for and one against.

J. B. Chaves, J. Montoya, S. Abeitia, J. Sisneros and P. Sanches. Both reports were read.

Hon. Candelario Garcia moved a recess during the absence of the committee on engrossed bills.

Agreed to.

The committee having returned the President called the Council to order.

The committee reported having delivered the acts passed to His Excellency for his action.

Hon. Joseph F. Bennett moved to adjourn until three o'clock P. M. to-day.

The motion was not adopted.

Honorable Candelario Garcia moved to adopt the report of the minority.

Hon. Pedro Sanches moved to adopt the report of the majority together with the amendment to the act.

Hon. Severo Baca in the chair.

Hon. Diego Archuleta gave his views on the matter.

The president in the chair.

The motion to adopt the report of the majority with the amendment was put.

Hon. Dionicio Bargas moved the yeas and nays.

The question was put, the roll was called and the result was as follows:

Ayes 13—noes 0.

Those who voted in the affirmative were honorables Severo

Baca, Joseph F. Bennett, Dionicio Bargas, J. B. Chaves, W. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, Jesus Ma. Silva, Vicente, St. Vrain, Nicanor Vigil and Mr. President.

Having resulted in the affirmative unanimuosly the report of the majority was adopted.

Hon. Candelario Garcia moved the adoption of the report of the minority.

Agreed to.

The ayes and noes were called for.

The question was put, the roll called and the result is as follows:

Ayes 5—noes 7.

Those who voted in the affirmative were Hons. Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia and Vicente St. Vrain.

Those who voted in the negative were honorables Severo Baca, J. B. Chaves, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Nicanor Vigil and Mr. President.

Having resulted in the negative the report was not adopted.

A committee from the House of Representatives presided over by J. R. Johnson appeared, and the President explained that the same was not received by this honorable body for the reazon that on the 29th. instant it had recognized as the legal House of Representatives the House presided by Hon. Gregorio Otero.

Hon. J. Bonifacio Chaves moved to fill the blanck of the act with words agreed upon by the committee, that is sixty cents for Territorial purposes, twenty cents for school purposes and twenty cents for county purposes.

Hon. Candelario Garcia offered the following amendment to the amendment fifty cents for Territorial purposes, and the other fifty cents to be equally divided for the county and school purposes in the county where it is collected, that is to say twenty five cents for school purposes twenty-five cents for county purposes.

On motion of honorable Benigno Jaramillo, the amendment was adopted.

On motion of honorable Nazario Gonzales the ayes and noes on motions of adjournment were striken out of the journal.

The act so amended was read the first time.

On motion of Honorable Candelario Garcia the rules were suspended and the act

Was read the 3d. time.

Hon. Joseph F. Bennett offerd as an amendment the following

SEC. 10. Be it further enacted, That whenever there is a surplus of over five hundred dollars in the treasury of any county after paying the expenses of said county, all surplus above five hundred dollors shall be paid over to the shool fund of said county

On motion of Hon. Pedro Sanches the amendmet was adopted.

Honorable Candelario Garcia offered the following amendment.

SEC. 11. That all the collectors of the revenue provided by virtue of this act shall receive Territorial and county warrants in mayment of the Territorial and county taxes, Provided that the school tax shall be paid in U. S. money, Provided furthur that the assesors and collectors shall receive in full payment for their services in assesing and collecting, five per cent of all funds assesed and collected.

On motion of Hon. B. Jaramillo the amedment was adopted.

Hon. Vicente St. Vrain offered the following section as an amendment to the act.

SEC. 12. And be it further enacted; that from and after the passege of this act all owners of hotels whose annual receipts do not exceed one thousand dollars shall pay an annual licence of twenty-five dollars, and owners of billiard tables, shall pay a licence of twenty-five dollars annually for each table kept by them for public use.

On motion of honorable J. Bonifacio Chaves the section as an amendment was adopted.

On motion of Hon. J. Bonifacio Chaves, the rules were suspended and the act so amended

Was read the third time.

On motion of Hon. Benigno Jaramillo the act passed.

On motion of Hon. Benigno Jaramillo the Council took a recess until 7 o'clock P. M. to-day.

The time havig expired the President call the Council to order.

The roll was called, and a quorum being present the Council

proceeded to the dispatch of business.

Hon. Benigno Jaramillo, moved to taken action on business upon the President's table and particularly of

An act No. 9, of finance for the Territory of New Mexico.

Agreed to.

Business on the President's table.

A finance act for the Territory of New Mexico.

Originated in the Council. The House concurred in its passage.

Honorable Benigno Jaramillo moved to consider them as engrossed that they be signed by the President, that the committee on engrossed, bills request the signature of the Speaker of the House of Representatives and present the same to His Excellency the Governor for his action.

Agreed to.

The President announced that he had signed the above mentioned act.

The act was pleaced in the hands of the committee who proceeded to fulfil their charge and after a short absence the committee returned and reported that the Speaker of the House of Representatives had signed the act and they had presented the same to His Excellency for his action.

A message from the House of Representatives was announced and received.

A committee from the House of Representatives appeared and informed the Council that the House of Representatives was ready to go into a joint session to take acton upon the State Constitution.

On motion of honorable Candelario Garcia the body of the Council proceeded to the hall of the House of Representatives to lle resolved into a joint session.

The proceedings of the joint session are in the journal of the House of Representatives.

The body of the Council having returned to the Council Hall.

The President called the Council to order and announced that the Council was ready to proceed to the dispatch of business.

When on motion of Hon. J. Bonifacio Chaves, the Council adjourned until to-morrow, at 10 o'clock a. m.

WEDNESDAY, JANUARY 31, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Honorables Severo Baca, Joseph F. Bennett, Dionicio Vargas, J. B. Chaves, Wm. T. Strachan, Nazario Gonzales, Candelario Garcia, Benigno Jaramillo, Pedro Sanches, Jesus Ma. Silva, Vicente St. Vrain, Nicanor Vigil and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

Reports of standing committees were announced in order.

None.

Reports of special committees were announced in order.

Mr. W. T. Strachan made the following report:

MR. PRESIDENT:

The special committee to whom was referred the act enabling two precincts in the county of Bernalillo, has had the same under consideration, and finding it useful for that county returns it to this Hon. body and recommends its passage.

On motion of Hon. Candelario Garcia the report was adopted.

On motion of Hon. J. B. Chaves the rules were suspended and the act

Was read the third time, and passed.

Resolutions of the Council were announced in order.

Hon. Nazario Gonzales introduced the following resolutions.

Resolved, That no person who is not a voter in this body shall be admitted within the railing.

Resolved further, That no member of the Council shall pay any attention to any one outside, during the session hour, except officers of this body.

Hon. Candelario Garcia moved to reject the resolutions.

Honorable Dionicio Vargas moved the yeas and nays.

The question was put, the roll called and the result is as follows:

Ayes 7—noes 5.

Those who voted in the affirmative were Honerables Severo Baca,

J. F. Bennett, Nazario Gonzales, Candelario Garcia, Pedro Sanchez, Jesus Maria Silva and Nicanor Vigil.

Those who voted in the negative were Honorables Dionicio Vargas, J. B. Chaves, W. T. Strachan, Vicente St. Vrain, Nicanor Vigil and Mr. President.

Consequently the resolutions was rejected.

A message from the House of Representatives was announced.

Introduction of bills and joint resolutions were announced in order.

Hon. Severo Baca presented a joint resolution relative to the final adjournment.

Which was read the first time.

On motion of Hon. Candelario Garcia the rules were suspended and the resolution

Was read the second time.

On motion of Honorable Candelario Garcia the rules were suspended and the resolution

Was read the third time and passed.

Hon. Nicanor Vigil introduced—

An act No. 34 special for precinct No. 10, Taos county.

Which was read the first time.

On motion of honorable Nicanor Vigil, the rules were suspended and the act

Was read the second time.

On motion of Hon. Pedro Sanchez, the rules were further suspended and the act

Was read the third time and passed.

Hon. Candelario Garcia introduced—

An act No. 35 ammending an act approved January 28, 1867, to repeal section 10 of said act, and to repeal an act approved February 3, 1870.

Which was read the first time.

On motion of honorable Pedro Sanches, the rules were suspended, and the act

Was read the second time.

On motion of honorable Candelario Garcia, the rules were suspended and the act

Was read the 3d. time and passed.

Hon. Benigno Jaramillo introduced—

An act No. 36 to establish and declare a system of public roads in New Mexico.

Which was read the first time.

On motion of honorable Severo Baca, the rules were suspended and the act

Was read the second time.

On motion of Hon. Benigno Jaramillo, the rules were further suspended, and the act

Was read the third time.

On motion of Hon. Vicente St. Vrain the act passed.

Hon. Dionicio Vargas introduced—

An act No. 37 special for the county of Rio Arriba.

Which was read the first time.

On motion of honorable Dionicio Vargas the rules were suspended and the act

Was read the second time.

On motion of Hon. Pedro Sanches, the rules were further suspended and the act

Was read the 3d. time, and passed.

A message from the House of Representatives was announced and received.

A committee from the House of Representatives appeared and requested the signature of the President to the following act.

An act enabling two precincts in Bernalillo county.

The President announced to the Council that he had signed the above mentioned act.

Hon. Vicente St. Vrain introduced—

An act No. 38 providing for a road from Mora county to Taos and Rio Arriba counties.

Which was read the first time.

On motion of Hon. Vicente St. Vrain the rules were suspended and the act

Was read the second time.

Hon. Pedro Sanchez offered the following ammendment, after the word cañon to insert, of Rio del Norte.

Agreed to.

On motion of Hon. Dionicio Vargas the rules were further suspended, and the act

Was read the second time, and passed.

Honorable J. B. Chaves introduced—

An act No. 39 providing for a general election for the purpose of voting for the State constitution and State officers.

Which was read the first time.

On motion of Hon. J. B. Chaves the rules were suspended and the act

Was read the 2d time.

On motion of honorable Candelario Garcia the rules were further suspended and the act

Was read the 3d. time.

On motion of Hon. Candelario Garcia the act passed.

Bills and joint resolutions on their second reading.

On motion of Hon. C. Garcia action was taken on act No. 28.

Which was read the second time.

Hon. Candelario Garcia moved that the rules be suspended and the act

Was read the 3d time and passed.

On motion of Hon. Nicanor Vigil action was taken on act No. 27, special for precinct No. 3 of the county of Taos.

Was read the 2d. time.

On motion of Hon. Pedro Sanchez the rules were further suspended and the act

Was read the third time and passed.

Hon. Vicente St. Vrain with suspension of rules, made the following report:

MR. PRESIDENT:

The standing committee on public printing to whom was referred, An act, entitled an act to provide revenue and protect mercantile interest in the Territory has had the same under consideration, and returns a substitute in its place and recommends its passage.

VICENTE ST. VRAIN,
Chairman of the Committee.

On motion of Hon. Candelario Garcia the report of the committee was adopted.

The substitute was read the first time.

Honorable Candelario Garcia moved that the rules be suspended and the act

War read the second time.

On motion of Hon. Benigno Jaramillo the rules were further suspended and the act

Was read the third time and passed.

An act relative to agreements for the payment of money.

Which was read the second time.

On motion of honorable Pedro Sanchez the rules were suspended and the act

Was read the 3d. time.

Hon. Candelario Garcia moved the passage of the act.

The yeas and noes were called for.

The question was put, the roll called and the result was as follows:

Ayes 6—noes 4.

Those who voted in the affirmative were Hons. Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, J. M. Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. J. F. Bennett, W. T. Strachan, Nazario Gonzales, and Vicente St. Vrain.

Consequently the act passed.

Hon. Pedro Sanchez with suspension of rules presented the following resolution.

Resolved, That the Secretary of the Territory be and is hereby required immediately after the passage of this act to send a copy of this act to the Judges of Probate of Mora, Taos and Rio Arriba.

On motion of Honorable Nicanor Vigil the resolution was adopted.

An act incorporating the city of Las Cruses.

Was read the second time.

On motion of Hon. Pedro Sanchez the rules were further suspended and the act

Was read the third time and passed.

Hon. Vicente St. Vrain with suspension of rules introduced

A special act No. 40 for the county of Mora.

Was read the first time.

On motion of Honorable Vicente St. Vrain the rules were suspended and the act

Was read the second time.

On motion of Honorable Pedro Sanchez the rules were further suspended and the act

Was read the third time and passed.

On motion of Hon. J. B. Chaves action was taken on the business on the President's table, out of order.

Business on the President's table.

A bill authorizing counties to aid in the construction of railroads.

An act amending act concerning mining claims in the Territory.

A special act for precinct No. 10 in the county of Taos.

A joint resolution relative to the final adjournment.

All originated in this Body, the House concurred in their passage.

All of which were signed by the President and turned over to the committee on enrolled bills to request the signature of the Speaker of the House of Representatives and present the same to the Governor.

An act relative to the way of serving juries.

Originated in the House of Representatives.

Was read the first time.

On motion of Hon. Pedro Sanchez the rules were suspended and the act

Was read the second time.

On motion of Honorable Pedro Sanchez the rules were further suspended and the act

Was read the third time.

Honorable J. B. Chaves moved the passage of the act.

Honorable Dionicio Vargas moved the yeas and nays.

The roll was called and the result was as follows:

Ayes 8—noes 4.

Those who voted in the affirmative were Hons. Severo Baca, J. B. Chaves, W. T. Strachan, Candelario Garcia, Benigno Jaramillo, Pedro Sanchez, J. M. Silva, and Nicanor Vigil.

Those who voted in the negative were Hons. Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, and Vicente St. Vrain.

Consequently the act passed.

Honorable Candelario Garcia moved to take action on an act in relation to Judge Kirby Benedict.

Agreed to.

Was read the first time.

On motion of Honable Pedro Sanchez the rules were suspended and the act

Was read the second time.

On motion of Honorable Benigno Jaramillo the rules were suspenden and the act

Was read the third time.

Honorable Pedro Sanchez moved the passage of the act.

Honorable Vicente St. Vrain called for the ayes and noes.

The roll was called and the result was as follows:

Ayes 12—noes 0.

Those who voted in the affirmative were Messrs. Severo Baca, Joseph F. Bennett, Dionicio Vargas, W. T. Strachan, Nazario Gonzales, Candelario Garcia Benigno Jaramillo, Pedro Sanchez, J. M. Silva, Vicente St. Vrain, Nicanor Vigil, and Mr. President.

Consequently the act passed.

The President announced to have signed the following acts.

An act relative to the service of jurors.

An act relative to agreements for the payment of money.

Which originated in the House of Representatives and passed both bodies.

When on motion of honorable Candelario Garcia the Counеil adjourned until half past three, p. m. to-day.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

The roll was called and a quorum being present the Council proceeded to the dispatch of business.

Business on the President's table in order.

An act relative to butcher shops in the city of Santa Fé.

Originated in the House of Representatives.

Was read the first time.

On motion of Hon. W. T. Strachan the act was referred to

Hon. Nazario Gonzales.

Hon. Benigno Jaramillo introduced—

An act No. 41, relative to inspectors of public schools and their duties.

Which was read the first time.

On motion of Mr. P. Sanchez the rules were suspended and the act

Was read the second time.

A message from the House was announced and received.

Hon. C. Garcia offered a proviso as an ammendment to the act.

Agreed to.

Hon. J. F. Bennett offered an additional section to the act.

On motion of Mr. B. Jaramillo the aditional section was adopted.

On motion of Hon. Benigno Jaramillo the rules were suspended and the act so amended

Was read the third time, and passed.

Hon. Severo Baca moved that the President sign the acts passed by both Houses.

Agreed to.

The President signed the following acts.

A special act fcr precinct No. 5 of Taos county.

An act concerning a public road from Taos to Rio Arriba.

An act to provide for a general election to submit the State constitution to the vote of the people and to elect State officers.

An act in regard to transient pedlers.

A special act for the county of Mora.

An act and preamble declaring a system of public roads in New Mexico.

All of which originated in this body and passed by both Houses.

Hon. Vicente St. Vrain with suspension of rules presented

An act No. 32, concerning the road from Raton to Trinidad.

Which was read the first time.

On motion of Mr. P. Sanchez the rules were suspended and the act

Was read the second time.

On motion of Mr. J. F. Bennett the rules were further suspended and the act

Was read the third time and passed.

On motion of Hon. Severo Baca the Council took a recess dur-

ing the joint session, and proceeded to the House of Representatives to hold a joint session.

The proceedings of the joint session will be found in the House journal.

The joint session having been disolved the Council proceeded to the Council Hall and the President called the Council to order.

When on motion of honorable J. B. Chaves the Council adjourned until to-morrow, at 10 o'clock a. m.

THURSDAY, FEBRUARY, 1st, 1872.

The Council met pursuant to adjournment.

The roll was called and the following members answered to their names: Hons. Pedro Sanches, Benigno Jaramillo, Dionicio Vargas, Severo Baca, Jose Bonifacio Chaves, William T. Strachan, Joseph F. Bennett, Nicanor Vigil, Vicente St. Vrain, Nazario Gonzales and Mr. President.

A quorum being present the Council proceeded to the dispatch of business.

The journal of the previous day was read and approved.

Petitions and memorials were announced in order.

None.

A committee from the House of Representatives was announced and received, and requested the signature of the President to the State Constitution.

Which was signed by the President.

Hon. Pedro Sanchez moved to take action on the business

on the President's table.

Agreed to.

Business on the President's table.

An act changing the county seat of Valencia county.

Originated in the House of Representatives.

Was read the first time.

On motion of Mr. J. Bonifacio Chaves, the rules were suspended and the act

Was read the second time.

On motion of Mr. Pedro Sanchez the rules were further suspended and the act

Was read the third time and passed.

An act relative to the punishment of crimes in this Territory.

Originated in the House of Representatives.

Was read the first time.

On motion of Mr. P. Sanchez the rules were suspended and the act

Was read the second time.

On motion of Mr. Pedro Sanchez the rules were further suspended and the act

Was read the third time and passed.

Mr. Joseph F. Bennett, with suspension of the rules introduced—

A memorial asking for an appropriation to compile the laws of New Mexico.

Which was read the first time.

On motion of Mr. Pedro Sanchez the rules were suspended and the memorial

Was read the second time.

On motion of Hon. Pedro Sanchez the rules were further suspended and the memorial

Was read the third time, and passed.

Mr. J. Bonifacio Chaves, with suspension of the rules introduced the following resolution:

Be it resolved by the Council of the Legislative Assembly of the Territory of New Mexico, That the thanks of this body are due to A. P. Sullivan, Esq., Editor and Proprietor of the Santa Fé *Daily & Weekly Post* for having furnished the *Daily*

Post to the members of the Council gratuitously during the present session.

On motion of Mr. Dionicio Vargas the resolution was adopted.

A committee from the House of Representatives was announced and received, and solicited the signature of the President to the following acts:

An act changing the county seat of the county of Valencia.

An act in regard to the punishment of crimes in this Territory.

The President announced that he had signed the above mentioned acts.

An act declaring certain real estate to be exempt from execution and attachment, together with the objections of the Governor was taken under consideration.

The ayes and noes were called on the question.

The question was put, the roll called and the result was as follows:

Ayes 8.—noes 5.

Those who voted in the affirmative were Hons. Severo Baca, J. Bonifacio Chaves, Wm. T. Strachan, Benigno Jaramillo, Pedro Sanchez, Jesus Maria Silva, Nicanor Vigil and Mr. President.

Those who voted in the negative were Hons. Joseph F. Bennett, Dionicio Vargas, Nazario Gonzales, Candelario Garcia, and Vicente St. Vrain.

Consequently a two-third vote not being obtained the act did not become a law.

Mr. Pedro Sanchez introduced the following resolution:

Resolved, That a vote of thanks be given to Hon. Diego Archuleta, President of the Council, for his integrity, ability and honesty in his impartial decisions as President of the Council.

Resolved, That the thanks of this body are due to the Chief Clerk and officers thereof, for the faithful performance of their duties.

On motion of Mr. Benigno Jaramillo the resolution was adopted.

Mr. Candelario Garcia introduced the following resolution:

Whereas, the Secretary of the Territory has not supplied the Judge of Probate of the county of Socorro with any copy of the

laws passed in the session held in the years 1869-70.

Be it resolved, by the Council of the Territory of New Mexico that the Secretary thereof be requested to supply the county of Socorro with copies of the laws mentioned for their use.

On motion of honorable J. Bonifacio Chaves, the resolution was adopted.

Hon. Candelario Garcia moved to instruct the Chief Clerk to forward a communication with a copy of the resolutions to the Hon. Secretary.

Agreed to.

Hon. Severo Baca, with suspension of rules introduced—

A joint resolution relative to the printing of the laws and journals.

Which was read the 1st. time.

On motion of honorable Benigno Jaramillo the rules were suspended and the resolution

Was read the 2d. time.

On motion of honorable Nazario Gonzales the rules were suspended and the resolution

Was read the 3d. time, and passed.

Honorable Vicente St. Vrain, with suspension of rules introdueed the following resolution:

PREAMBLE AND RESOLUTIONS.

Whereas, the law provides that the Governor of this Territory appoint the Territorial officers with the consent of the Legislative Council, and

Whereas the term of office of said officers has expired, and

Whereas the session of the Legislative Assembly is about to close finaly, Therefore

Be it resolved, by the honorable Council of the Legislative Assembly of the Territory of New Mexico.

That his Excellency Governor M. Giddings be and is hereby required to send to the Council the list of officers whom he appoints for the different offices in this Territory before adjourning sine die the Territorial Legislature.

Resolved further, That a copy of this resolution be sent to

his Excellency Marsh Giddings Governor.

On motion of honorable Vicente St. Vrain the resolutions were adopted.

The President signed the following acts.

An act relative to inspectors of Public Schools.

An act relative to the road from Trinidad, by the Raton.

A message from the House of Representatives was announced and received.

An act relative to Ojo Sarco, precinct No. 1, of Rio Arriba county.

Was read the first time.

The President signed a memorial relative to the compilation of the laws.

Hon. J. Bonifacio Chaves moved to appoint a committee of both Houses to present the State constitution to his Excellency the Governor for his approval.

Agreed to.

The committee appointed were Hon. J. B. Chavez and W. T. Strachan.

The committee retired and after a short absence reported to have fulfilled their charge and that the Governor would with pleasure approve the constitution.

Hon. Joseph F. Bennett introduced—

A memorial relative to the Apache Reservation.

Which was read the first time.

On motion of honorable Dionicio Vargas, the rules were suspended and the memorial

Was read the 2d. time.

On motion of honorable Pedro Sanches, the rules were suspended, and the memorial

Was read the third time and passed.

A message from the House of Representatives was announced and received.

The President signed the resolution relative to the compilation of the laws.

Hon. Vicente St. Vrain introduced—

A memorial relative to the damages committed by the Apaches of Cimarron.

Was read the first time.

On motion of honorable Pedro Sanches the memorial.

Was read the second time.

On motion of honorable Vicente St. Vrain, the rules were suspended and the memorial

Was read the 3d. time and passed.

Hon. Joseph F. Bennett, introduced the following resolution:

Resolved by the Council of the Legislative Assembly of the Territory of New Mexico, that the thanks of this body are due to honorable Henry Wetter, Secretary of the Territory for his uniform kindness and courtesy to the members of the Council and for his efficiency in the performance of the duties of his office.

On motion of Hon. Dionicio Vargas the resolution was adopted.

Honorable Candelario Garcia moved to authorize the President to sign all acts, resolutions and memorials passed by both Houses after the final adjournment of the Council.

Agreed to.

On motion of Honorable Severo Baca, the journal was read and approved.

Consequently, the hour fixed by the joint resolution for the final adjournment having arrived, the President announced and declared the Council adjourned.

DIEGO ARCHULETA,
President of the Council.

FRANCISCO SALAZAR,
Chief Clerk of the Council.

APPENDIX.

REPORT

OF THE

COMMITTEE OF INVESTIGATION

OF THE

COUNCIL OF THE LEGISLATIVE ASSEMBLY

REPORT.

To the Hon. President and Members of the Council of the Legislative Assembly of the Territory of New Mexico.

Your Committee, to which was referred the communication from Gen. Gordon Granger in Command of this Military District, relative to the stationing of United States troops in and about the Legislative Halls on the 11th and 12th instant, and in response to a resolution adopted by the Council, wherein Gen. Granger had been requested to furnish information as to the circumstances which induced the presence of the said troops, would respectfully report, that having examined the said communication, together with the two enclosures therewith transmitted, and having investigated the circumstances under which the originals of the said enclosures were written, they are prepared to present the following facts:

The enclosures referred to, are: *First*, a duly certified copy of a lengthy communication addressed to Gen. Granger by M. Rudulph, claiming to act as Speaker of the House of Representatives, wherein the said Rudulph states that during the session of the House of Representatives on the afternoon of the 10th instant, he, acting as Speaker, under and by authority of the rules of said House, directed the Sergeant-at-Arms to clear the lobby thereof. That the said Sergeant-at-Arms, not having sufficient force at his command to execute said order, called on the Sheriff of Santa Fé County for assistance, and was met with a refusal to act. That in consequence of this refusal, the said order could not be executed, and that the noise in the lobby having become so great that it was impossible to proceed with the business of the House, he, the said Rudulph declared an adjournment, until the following morning at 10 o'clock. The said Rudulph further states in his said communication, that he had reason to believe that there was great danger that certain evil disposed persons would intrude themselves into the Hall of said House and lobby thereof, before the hour to which the same was adjourned on the following morning, with a view of preventing the execution of his orders. Under these circumstances,

the said Rudulph requests Gen. Granger to furnish a sufficient force of soldiers to prevent the entrance into the said House or lobby, of all persons not connected with the said Legislative Assembly. Mr. Rudulph further takes occasion to state in this communication, that it had come to his knowledge that a certain other body claiming to be and act as the House of Representatives aforesaid, had asked for and been furnished with the protection of a military guard, but that they were in no wise entitled to the same, being nothing more than a public meeting.

The said Rudulph concludes his communication, by entering an official protest against the placing of troops at the disposal of the said public meeting, which he describes a "number of men acting under the direction of one of the members of the Legislature, named John R. Johnson." The communication of the said Rudulph, is endorsed by His Excellency Governor Giddings, who in his endorsement states that he has heard the communication read, and has no doubt of its substantial correctness; that to preserve order, keep the peace, and sustain rightful authority, it would be prudent to have a force of soldiers present as requested by the Speaker, and that he, the said Governor would request that such force be provided.

Your Committee, upon examining this communication and its endorsement, at once proceeded to investigate the circumstances under which the same were written. A number of persons who were well informed as to these circumstances, were examined, and their testimony secured. In some instances your committee even deemed it advisable to obtain formal affidavits, which affidavits are hereto attached and made a part of this report. (See appendix.) From all the information which Your Committee were able to gather from reliable sources, they have prepared; and do now submit what they believe to be a fair and accurate statement of the origin and progress of the differences in the House of Representatives, which induced the Governor to make a requisition for troops.

During the early part of the present month, a bill assigning the three Territorial Judges to their respective Judicial Districts, having passed the Council by a vote of 9 to 4, and the House of Representatives by a vote of 20 to 5, was transmitted to the Governor for

approval. This Bill was passed under and by virtue of the authority conferred by Section 16 of the Organic Act of New Mexico, which said section is in language following, to wit:

"SEC. 16. And be it further enacted, That temporarily, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the Judges who may be appointed for said Territory, to the several districts, and also appoint the times and places for holding Courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the Judges, and alter the times and places of holding the Courts, as to them shall seem proper and convenient."

Within a very few hours after such transmission of the said bill it was currently reported upon the streets of the City of Santa Fé, that it was the intention of the Governor, to interpose his veto thereto. In order if possible, to prevent such action, the citizens of Santa Fé, irrespective of party, to the number of about four hundred, including more than two-thirds of the members of both the Council and the House, addressed a petition to His Excellency the Governor, respectfully requesting him not to interpose his veto as against the clearly expressed desire of the people of New Mexico. There can be no question whatever, that it was the purpose of the bill alluded to, to remove Joseph G. Palen, Chief Justice of the Territory, from the First Judicial District, wherein he had been presiding as District Judge for more than two years, to the more remote Third Judicial District, which had during nearly all of that time, been without a resident Judge.

There can be no question either, that this bill had been passed by a very large majority in both the Council and the House, supported in both, by Republicans and Democrats alike, in accordance with the almost unanimous desire of the people of the First Judicial District. The Governor, however, deemed it advisable to interpose his veto, and on the 5th instant, transmitted to the House in which the bill originated, a lengthy message, embodying the said veto, together with his reasons therefor. This Veto Message appears

in full in the appendix of this report. Even before the reception of this Veto Message, it had come to be generally understood among the supporters of the bill, that a number or those who had voted in the affirmative upon its passage, had for reasons best known to themselves, determined to sustain a Veto Message, should the question be again presented to the House through such means. The discovery of this defection, seems to have created considerable feeling among the supporters of the bill, and owing thereto, a contest arose in the House, which finally culminated in a vote, as to the admission of certain contestants for the four seats to which the County of Taos was entitled in that body. It was finally decided by a vote of 14 to 8, Speaker Rudulph voting with the majority, that the Taos contestants were entitled to, and should be admitted to seats in the House, and a committee was appointed to notify the said contestants of this action, and to request the Secretary of the Territory to administer to them thier oaths as Representatives.

At the time this action was taken by the House, the Taos contestants who had been declared entitled to their seats, were absent from Santa Fe, and awaiting their arrival, the House adjourned from Friday to Saturday, Saturday to Monday, and Monday to Tuesday; the roll being called upon each day, but no business whatever being transacted. On Tuesday the House met pursuant to adjournment, and immediately after roll-call, it became evident that a number of members who had voted to admit the Taos contestants, had been induced to change their views upon the subject, and were desirous of restoring the original Taos Representatives to their seats. Upon the reading of the Journal of the proceedings had upon the previous days including Friday the 5th instant, a motion was made to disapprove the same. This motion was objected to by several members, as being out of order. Mr. Speaker Rudulph declared the motion to be in order, and an appeal was taken from his decision. The entire session of the day was taken up in discussions upon the motion and the appeal. No decision was reached until evening, when a motion to adjourn until 1:30 P. M. of the following day prevailed.

The House met on Wednesday pursuant to adjournment. Immediately after roll-call, Mr. Speaker Rudulph ordered the lobby of

the House to be cleared, stating that he took this step because, upon the previous day the spectators had been more or less disorderly. There was no disorder in the lobby at the time this order was made, and a number of members protested against its execution. The Speaker, however, refused to heed the said protest, calling upon the Sergeant-at-Arms to execute his order. The Sergeant-at-Arms thereupon called upon Charles Conklin, Sheriff of Santa Fé County, who was present in the House as a spectator, for assistance. This assistance Mr. Conklin refused to render, stating that there was no disorder in the lobby, and that he felt bound to heed the protest of the majority of the House. The said Speaker, Mr. Rudulph, then declared the said House adjourned, without specifying any time for re-assembling. Mr. Rudulph then left the House, but returned about ten minutes later, and announced an adjournment until 10 A. M. of the following day.

After Sheriff Conklin had refused to aid in clearing the lobby aforesaid, and before the said Speaker had declared an adjournment, one of the members who had protested against the clearing of the lobby, moved in the usual form to adjourn. The Speaker refused to entertain this motion, although it was duly seconded. His decision in this respect was appealed from, but he refused to entertain such appeal, and thereupon declared an adjournment in manner aforesaid. When Mr. Rudulph left the House, ten members accompanied him. Eleven members remained, exclusive of the four Taos Representatives, who had, on the previous Friday, been declared entitled to their seats. The eleven remaining members at once took the position that the House had not been properly adjourned, and that they, being a minority exceeding ten members, were empowered, under the rules of the House, to compel the attendance of absentees. The regular Sergeant-at-Arms having left the Hall, Mr. H. C. Carson, Deputy Sheriff of Santa Fé County, was elected and sworn in as Sergeant-at-Arms, and instructed to arrest and bring the absent members into the House.

While engaged in the discharge of this duty, the Sergeant-at-Arms was resisted (as will be seen by accompanying affidavit) by His Excellency, Marsh Giddings, Governor of this Territory, in whose house (the Executive Mansion) one of the absent members

had taken refuge. Finally, however, the Sergeant-at-Arms succeeded in arresting three members, and bringing them into the Hall of the House of Representatives. The four members from Taos, who had been declared entitled to their seats, were thereupon sworn in as members of the House. Shortly afterward the United States Marshal served a writ of *Habeas Corpus* upon a number of the members and officers of the House, requiring them forthwith to bring the bodies of the three arrested members above alluded to, before the Supreme Court of the Territory of New Mexico. This writ ran in the name of the United States, and was attested by William Breeden, Esq., as Clerk of said Court. The bodies were produced in compliance with this writ, and of the proceedings which followed your Committee will have more to say in the concluding part of this report. It was upon the evening of the serving of this writ, that Mr. Rudulph (who had been one of the arrested members) made, and His Excellency the Governor endorsed, the requisition for troops alluded to in the beginning of this report.

On the following morning, Mr. Rudulph, accompanied by the rest of the members who had absented themselves on the previous day, entered the Hall of Representatives, the balance of the members being also present. Mr. Rudulph at once took the Speaker's seat, and ordered a call of the House. He then without having the journal read, or allowing a vote to be taken upon its approval or disapproval, declared that as the journal of the proceedings on Friday the 5th instant, and the days subsequent thereto, had not been approved by the House, they must be regarded as disapproved; and in consequence of such disapproval the previous action of the House, in declaring the Taos contestants entitled to their seats, was of no effect. He thereupon instructed the original members from Taos, who had been ousted as aforesaid, to take their seats as members of the House, and subsequently called upon one of these expelled members to act as temporary Speaker. This action led directly to a division of the House of Representatives; the eleven members who remained in the Hall on the 10th instant, together with the four Taos contestants above alluded to constituting one branch, with Mr. John R. Johnson as Speaker, and the eleven members who left the House on the 10th instant, together

with the original Taos members, constituting the other branch, with Mr. Milnor Rudulph as Speaker.

It was under, or in apparent anticipation of these circumstances, that Mr. Rudulph made his requisition for troops. In endorsing the requisition, the Governor seems to have failed to take into consideration the existance of a conflict in the House of Representatives; or at least, to have assumed to judge in a few moments hasty consideration of the entire merits of that controversy. It certainly appears questionable, whether Mr. Rudulph was entitled to consideration as Speaker, after his conduct on the 10th instant—more especially in view of the division which was the direct result of that conduct. Under any circumstances, it would appear to be the part of wisdom in an Executive, to give such a subject close scrutiny, and to act with the greatest deliberation in resorting to the extraordinary measure of summoning to his aid, the armed forces of the Government. Instead of doing this, His Excellency seems to have been only too eager to serve the purposes of his evil advisers. The requisition endorsed upon Mr. Rudulph's letter to General Granger, bears about it all the evidences of hasty and inconsiderate action. It would appear as though His Excellency were desirous of aiding Mr. Rudulph in an effort to override those members who claimed that he, (Rudulph,) had forfeited all authority as Speaker, and as though the plea of a threatened outbreak were used as a mere pretext. The Sheriff of Santa Fé County states upon his oath, that he had been a close and constant observer of the state of public feeling, as well as the disposition manifested by the gentlemen composing the conflicting branches of the House of Representatives, and that he had been unable to discover anything which seemed to render unusual steps, of the slightest show of force necessary to the preservation of peace. He further says that even had such disposition been manifested, he is confident that the civil force at his command, would have been sufficient to suppress any and all possible outbreak. The fact that after two days attendance, the troops were withdrawn, and that since their withdrawal there has not been the slightest indication of an outbreak, although each branch of the House has continued to hold separate sessions, certainly goes very far to sustain the views

expressed by Sheriff Conklin. It is noticable that Governor Giddings seems to have made no personal effort to ascertain the real state of public feeling, but allowed himself to be deluded and frightened by the misrepresentations of those surrounding him. Even had his Excellency felt convinced that real danger was impending, he should certainly have ascertained in person that the civil authorities of the county and city, were unable or unwilling to suppress the same, before resorting to the extreme measure of calling out the troops. If it be remembered, that the entire difficulty had its origin—first, in the desire of the people to send an obnoxious Judge to the most remote portion of the Territory, and secondly, in the Veto Message by which His Excellency, although but a few days in office assumed to judge between Chief Justice Palen and the people, the conduct of the Governor must appear still more remarkable. Your Committee is of opinion that public confidence, in the fairness and discretion of Gen. Gordon Granger, served to greatly moderate the indignation aroused by the hasty action of the Governor.

Your Committee has also examined the response of Governor Giddings to the resolution of the Council, calling upon him for information relative to this same matter, (which said resolution and reply thereto appear in the appendix to this report, and were referred to your Committee while they were conducting this investigation) and fail to find anything in said response, which serves to give a satisfactory explanation of His Excellency's conduct. He is even injudicious enough to admit in this letter, that his call for troops was induced not by his own knowledge of the necessity for such action, but by the fact that certain third parties had informed him that such necessity existed. His Excellency's letter is quite lengthy, and contains a statement to the effect that he had been informed that on the evening prior to the day for which Speaker Rudulph asked aid, a body of men assuming to be the House of Representatives, had entered the Hall and secured the aid of the military in their pretentions. The Governor admits that he had no better authority for this statement than mere rumor, and in concluding his remarks upon the subject, states that he has paid very little heed to rumors. Your Committee has failed to find any founda-

tion for this rumor, and deem that it indicates a lack of either judgement or principle in the Executive, to embody such a statement in an official document, and then seek to avoid personal responsibility therefor, by disclaiming personal knowledge of the facts. In brief, the conduct of His Excellency and of Mr. Rudulph throughout this entire controversy, seems to have been hasty, ill-considered, and highly discreditable to the official character of those gentlemen.

In the matter of *Habeas Corpus* alluded to in a former part of this report, your Committee has ascertained the following facts: That the petition whereon the writ was issued failed to set up any facts, showing jurisdiction in the Supreme Court of the Territory; that the writ was issued by the said Supreme Court acting as a United States Court, and ran in the name of the United States; that this writ was served by the United States Marshal, and was promptly obeyed by the members and officers to whom addressed; that in deciding the question, the said Supreme Court went beyond the usual proceedings upon *Habeas Corpus*, and rendered a decision to the effect that the action of the House in declaring the Taos contestants entitled to their seats, was illegal, revolutionary and void—a decision which appears to have been entirely extraneous to the question really before the Court, and which in the opinion of your Committee, only one body has the power to render—the House of Representatives itself. It is certainly an anomaly in the history of our Government, that a Court should assume authority to pass upon questions purely political, and that the judicial branch of Government should attempt to deprive the Legislative branch of the power to regulate its own internal affairs. It is but due Associate Justice Daniel B. Johnson to state that that gentleman dissented from the opinion of the Court.

In conclusion your Committee would respectfully submit the following resolutions, and ask to be discharged from further consideration of this subject:

Resolved, by the Council of the Legislative Assembl of the Territory of New Mexico, that the action of His Excellency, Marsh Giddings, Governor of said Territory, in making requisition for United States troops, to be stationed in and about the halls of legislation, and the action of Milnor Rudulph, late

Speaker of the House of Representatives of this Legislative Assembly, in advising and procuring such requisition for troops, was hasty and ill-considered in the extreme and entirely unwarranted by the state of public feeling existing at the time such requisition was made.

Resolved, That the present division in the House of Representatives, is owing to the obnoxious character of Joseph G. Palen, present Chief Justice of this Territory—added to the fact, that Governor Giddings, by the abuse of his veto power, has sought to defeat the evident will of the people, as expressed in the bill assigning the said Chief Justice to the most remote district of the Territory.

Resolved, That the conduct of the said Chief Justice, and his associate, Hezekiah S. Johnson, in assuming, as Judges of the Supreme Court of this Territory, to pass upon the action of the House of Representatives of this Legislative Assembly, by which said House declared that certain contestants were entitled to seats in that body, and in assuming to decide, under a proceeding upon *Habeas Corpus*, that said action of the House was revolutionary and void, were guilty of a gross abuse of their juduicial powers; and that by their conduct in this instance, they have shown themselves to be utterly unworthy of the high positions in which chance has placed them.

Very Respectfully,

J. F. BENNETT,

Chairman of the Committee.

APPENDIX TO REPORT.

RESOLUTION ADDRESSED TO GENERAL GRANGER.

Hon. Joseph F. Bennett, introduced the following resolution:

Whereas, on the 11th and 12th instant, and during the session of the Legislative Assembly of this Territory, a number of armed soldiers have been stationed immediately in front of the halls of the Council and House of Representantatives in Santa Fé; and

Whereas, the peaceble and orderly conduct of the citizens of Santa Fé did not render the presence of said troops in the im-

mediate vicinity of said Legislative Assembly, necessary; thererore,

Be it resolved by the Council of the Legislative Assembly of the Territory of New Mexico, that General Gordon Granger, commanding the military district of New Mexico, be respectfully requested to send to the Council for the information of the same, a copy of the order or request upon which he directed the troops to be used for such object, and whether such order or requisition was made by any legally constituted authority of this Territory, together with any and all instructions which he may have received touching upon this subject.

REPLY OF GENERAL GRANGER.

HEADQUARTERS DISTRICT OF NEW MEXICO,
Santa Fé, N. M., January 15th, 1872.

To the President of the Senate, Territory of New Mexico:

SIR:— Enclosed please find copies of papers requested to be furnished in the resolution of 13th instant.

Very Respectfully, your obedient servant,
G. GRANGER,
Col. 15th U. S. Inf'y., Commanding.

L B No. 25.

[Copy.]

SANTA FE, N. M., January 10th, 1872.

Col. Gordon Granger, Comd'g., District of New Mexico.
Santa Fé, N. M.

SIR:—During the session of the House of Representatives, this afternoon, of which I am the President or presiding, I, as such President, acting under and by authority of the legal rules of the House, ordered the lobby of said Honse to be cleared, and directed the Sergeant-at-Arms to execute the order. Not having suficient force at his command to carry out the said order, he called upon the Sheriff of Santa Fé county, then present, for assistance which that officer refused to render. As the order could not, therefore, be executed and the noise and confusion in the said lobby had become so great that it was impossible for the House of Representatives to do any business whatever, I, being satisfied of the impossibility of doing business in the confusic-

and disorder then prevailing. arose in my place as president of the said House and officially declared the same adjourned until to-morrow morning at ten o'clock and thereupon the members of the House dispersed to convene again at the hour to morrow to which it was adjourned.

Having reason to believe there is great danger that, before the hour to which the adjournment of said House was made, the Hall of said House will be filled up, under the direction and by the procurment of certain evil disposed persons, with men who have no right to seats therein, and that the lobby of the said House will also be filled with persons whose sole object will be to do mischief and prevent the execution of the said President's order, I respectfully request that a sufficient number of the soldiers under your command may be stationed at the door of the Legislative Assembly to-morrow morning early, to prevent the entrance into the said House or lobby of all persons not connected with the said Legislative Assembly as officers or members thereof until the said order of exclusion shall have been revoked by me or their presence shall be rendered unnecessary by some other legal authority.

I have the honor to further inform you that it has come to my knowledge that after the said adjournment of the said House of Representatives, a meeting of a number of men acting under the direction of one of the members of the Legislature named John R. Johnson called on you and were furnished with a military guard for the protection of themselves in theusurpation that they are the House of Representatives.

I therefore take the liberty to inform you that the said persons pretending to be the House of Representatives of this Territory are nothing more than a public meeting, having no title whatever to the character they assume and not in any way entitled to be respected and trusted as the said House of Representatives and I earnestly protest officially against the placing of troops at their disposal under such pretext, as they are desired only for the pur-

pose of intimidating the members of the legal House of Representatives.

I have the honor to be, sir
Very respectfully,
(Signed) M. RUDULPH,
Speaker, H. R.

A true copy:
W. J. Sartle, 1st Lieut. and Adjt. 15th Infantry, A. A. A. Generrl.

ENDORSEMENT UPON LETTER OF M. RUDULPH,

EXECUTIVE OFFICE,
SANTA FE, N. M., Jan. 10, 1872.

GENERAL GRANGER:

I have heard the within statement read and have no doubt of its substantial correctness and that to preserve order, keep the peace and sustain rightful authority, it is prudent to have a force of soldiers present as requested by the Speaker, to secure the results above named and aid the Sergeant-at-Arms in securing obedience to the orders of the Speaker and rules of the House, and therefore I request you to provide such force at the time and for the purpose aforesaid as required by said Speaker.

(Signed) MARSH GIDDINGS,
Governor of New Mexico.

A true copy:
W. J. Sartle, 1st. Lieut. and Adjt. 15th Infty., A. A. A. General.

ENCLOSURE NO. 2 WITH LETTER OF GENERAL GRANGER.

HOUSE OF REPRESENTATIVES OF NEW MEXICO,
SANTA FE, N. M., Jan. 11th, 1872.

General GORDEN GRANGER:

General:—I have the honor to inform you, that the force you furnished me to aid the Sergeant-at-Arms of the House of Representatives will not be required further until to-morrow at 9½ o'clock A. M. I shall then again need their services.

I am, General, very respectfully,
Your obedient servant,
(Signed) M. RUDULPH,
Speaker, H. R.

Official copy:
W. J. Sartle, 1st Lieut. and Adjt. 15th Infty., A. A. A. General.

RESOLUTION ADDRESSED TO GOVERNOR GIDDINGS.

Resolved by the Council of the Legislative Assembly of the Territory of New Mexico; That His Excellency, Marsh Giddings, Governor of said Territory, be respectfully requested to inform this body whether the armed soldiers of the United States which were stationed in front of about the place of meeting of the Council during the past week, were so stationed upon his requisition and with his knowledge, and if so, what was the necessity that required their presence.

REPLY OF GOVERNOR GIDDINGS

TERRITORY OF NEW MEXICO.

EXECUTIVE OFFICE,

Santa Fé, January 15 1872.

To the honorable The Council of the Legislative Assembly:

I have this moment received a resolution of the Council in the words following that is to say:

Resolved, by the Council of the Legislative Assembly of the Territory of New Mexico, that his Excellency Marsh Giddings, Governor of the said Territory be respectfully requested to inform this Body, whether the armed forces of the United States which were situated in front of, and about the place of meeting of the said Council during the past week, were so stationed at his request, or with his consent and if so, what was necessity which required their presence."

In reply to the inquiry in your resolution contained I have the honor to announce to you that I am informed that on one day last week a large number of persons assembled in the lobby of the House of Representatives and made such noisy demonstrations as almost wholly to prevent the transaction of business by the House and indicating a persistent and determined effort and purpose to prevent the House from proceeding with the public business and on the next day upon the assembling of a large number of persons again in the lobby the Speaker of the House directed the lobby to be cleared, and thereupon arose a great tumult noise and uproar, and the Sergeant-at-Arms being unable to execute the mandate of the Speaker, called upon the sheriff to aid him in

clearing the lobby who refused to go in obedience to the Speaker's order. The Sheriff refused to aid the sergeant at arms, and the noise becoming so exceedingly great that no business could be done, the Speaker was compelled to adjourn the House to the next day, and inasmuch as the civil authorities refused to render aid the Sergeant-at-Arms, the Speaker made a request in writing to Gen. Granger to furnish such force to aid the Sergeant-at Arms as should be necessary to keep from the House all except members and officers of the House until the order of the Speaker was obeyed and quiet secured. Having read the statement of facts made by the Speaker as the foundation of his request and believing it to be correct, as a prudential measure due to the Speaker and the people, I endorsed the request.

And in pursuance of this request as I suppose of Speaker Rudulph on one or two days of last week a squad of soldiers say from 6 to 10 were sent around to the vicinity of the "palace," and on one day only, one soldier only, was placed at the door of the House to aid the Sergeant-at-Arms should his services be required in keeping out of the House persons who had no right in the House. What orders these soldiers had from their superior officer I do not know, but their conduct indicated very prudent orders from their commander.

Whether any affray noise or disturbance had occurred in the Council, causing the soldiers to be stationed in front of the building and near the Council, instead of the back yard which would have been nearer the House I am not informed. But the evening prior to the time Speaker Rudulph desired aid to be furnished his Sergeant-at-Arms, I was informed that a body of men were in the Hall of the House who were neither the Council nor House of Representatives, and had stationed at the back windows for their protection or some other purpose several soldiers, but on whose request, or by what authority, or for what purpose I have not learned. It has, however, been rumored that a small body of men had entered the Hall in some way, and had assumed to be the House of Representatives, and had secured the aid of the military in their pretensions. Of the facts in regard to it I have no personal knowledge and have paid very little heed to rumors.

I believe I have stated to you herein the substantial facts in this matter, so far as they have come to my knowledge, and judging from these I feel confident no indignity was intended to the Council and that the Council is in no danger of either indignity or injury.

Very respectfully,
Your obedient servant,
MARSH GIDDINGS.

BILL ASSIGNING JUDGES.

AN ACT Assigning the Judges of the Supreme Court to the Districts of this Territory.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

SEC. 1. That from and after the passage of this Act the Judges of the Supreme Court, shall be and are by this Act assigned, as follows, to wit:

1st. The Hon. Daniel B. Johnson, to the First Judicial District.

2d. The Hon. Hezekiah S. Johnson to the Second Judicial District, and

3d. The Hon. Joseph G. Palen to the 3d Judicial District.

SEC. 2. All Acts or decrees in conflict with this Act are hereby repealed, and this act shall be in full force from and after its passage.

THE VETO MESSAGE.

TERRITORY OF NEW MEXICO, EXECUTIVE OFFICE,
Santa Fé, N. M., Jan. 4, 1872.

To the Hon. Speaker of the House of Representatives:

SIR:—I have the honor to inform you and through you the Honorable the House of Representatives, that I have had under advisement an act entitled "An Act assigning Judges of the Supreme and District Courts of this Territory," and have given the measure such consideration as time would permit.

So much feeling has been manifested on this subject, and excitement run so high, that I cannot expect to satisfy the very different views of the many persons who seem to have takeu an interest in the subject, but I must state my views, and the reasons for

my action in whatevar direction they may tend. I assume that my duty now is entirely distinct from yours, as I have, and according to my own judgment of the rules and proprieties involved, as the Legislature has and must act upon its own judgment of such rules and proprieties as independent men, answerable to their own consciences and the public for such action as they have or shall see fit to adopt.

On the one hand is the act of the Legislature with the sanction of a good majority passing an act re-assigning the Judges of this Territory and thereby sending the Chief Justice of this Territory who has been residing in Santa Fé for two years and more, to a remote district in the Territory where but a small amount of judicial business is done, and placing in his stead at the capital of the Territory and in a district where more than one half (as is alleged) of the judicial business of the Territory is done, one of the Assoeiate Justices of the Territory who has been in the Territory but a very short time.

This action is by a considerable number of citizens endorsed, and about 140 persons in all including some members of the Council and House, in writing announce to me their unqualified approbation of the act.

On the other hand a large majority of the members of the Bar of Santa Fé and vicinity and nearly every United States officer in the Territory belonging to the civil service, not including postmasters, together with many eminent citizens, insist that this act was an outrage upon every principle of fairness or manliness; that it was instigated by malice and the fear of righteous judgment, and its passage secured in indecent haste and without consideration, by false statements made to the members of the Legislature and many of these members join in asking that if it be possible to prevent it, the act should never go into effect.

With all these conflicting views I am driven back to an examination of the matter from a stand point based upon the law of the case, to give my own views and judgment thereon, and then leave the whole matter to your determination upon your own responsibility.

The organic act, section sixteen declares: "That temporari-

ly, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory and assign the Judges who may be appointed for said Territory to the several districts and also appoint the time and places for holding courts in the several counties, or sub-division in each of said judicial districts by proclamation to be issued by him ; but the legislative assembly. at their first or any subsequent session may organize, alter or modify such judicial districts, and assign the judges, and alter the times and places of helding the courts, as to them shall seem proper and convenient."

Soon after the passage of this organic act by Congress, the Legislative Assembly proceeded to assign the Judges for the several districts. giving to Chief Justice Baker the first district known as the Santa Fé district.

And therafter from time to time as the office of Chief Justice became vacant, in the same manner as in case of vacancies in the other districts and judgeships. has the office of Chief Justice been filled by Congress. and the Judge in every instance has proceeded to Santa Fé and occupied the vacant place in the office of Chief Justice of the Territory, without any assignment whatever, as a general rule, by the Legislature because no assignment was necessary. There was no place for a Judge until a vacancy occurred, and when a vacancy did occur, it was filled by Congress, and the Judge was sent out to fill that particular vacancy and no other.

Chief Justice Davenport was sent out to fill the vacancy after Baker ceased to excercise the functions of Judge. Hon. Kirby Benedict to fill the vacancy when Davenport ceased to exercise the functions. Then Hon. John P. Slough, then Hon. John S. Watts and each of these entering upon the duties in the same district without any assignment whatever except the first, taking by vacancy and succession the same district originally assigned to Chief Justice Baker.

It is true that in 1863 the Legislature undertook to say that the Territory should be devided into three judicial districts and to describe the boundaries of such districts, as it had an undoubted right to do.

And in the second section of the law it providedes that the Hon. Kirby Benedict, Chief Justice, be and he is hereby assigned *as now provided by law* to the first judicial district.

Now this second section was pointed out to me to prove that the Legislature had from time to time assigned the Judges to their several districts. But this section, if it proves anything, proves exactly the opposite. It uses the words "*as is now provided by law*," referring to the original act assigning in the first instance. the Judges, and by which the Chief Justice took the Santa Fé district. If the Legislature did not refer to this

original act, to what act did it refer when using the words "as now provided by law?" I do not find any other act to which this language could properly apply; and of course the Legislature by this language clearly and distinctly recognized the original assigning of Judges as of binding fore, and that each subsequent Judge took his place as Chief Justice by succession growing out of vacancy in the same district to which the Chief Justice was originally assigned.

And now comes another test as to the understanding of this law by the Legislature and people of this Territory. Several attempts have been made from time to time to secure by legislation a transfer of a Judge from his district to some other district when some person through an adverse decision had become dissatisfied with the ruling or charge of the Judge, and the Judge had thereby become obnoxious to some litigant; and so far had this gone that an attempt to procure the assassination of a Judge because of such ruling, actually occurred. But no Legislature could be prevailed upon to aid in any such attempted change for such purpose until Judge Watts had received an appointment as Chief Justice some three or four years ago. The Legislature did then pass an act reassigning the districts. and sending Chief Justice Watts to the third judicial district and bringing one of the associate justice to Santa Fé, as is now proposed by this act. The then governor of the Territory submitted to the Attorney General of this Territory as his legal adviser, also to the United States District Attorney then residing in Santa Fé, the question whether under the original act of this Territory such change and reassignment could not legally be made. The Governor himself, and also a lawyer, took the same view of the case, and returned the bill to the Council, where it originated. with his objections, and his objections were sustained by the Council by a vote of nine to three, and the matter ended. After arguing the matter at length, the Governor presented these reasons :-

"1st. The assignment of judges which was made by the first Legislative Assambly, cannot be made again by any subsequent Legislature without the consent of Congress."

"2d. The appointment of a Chief Justice to fill a vacancy in that office, gives a right to the Chief Justice to the first judicial district which has been respected for twenty years, and cannot be taken away by a body which has nothing to do with the appointment or pay of such officers."

"3d. If such power should exist, to exercise it would be unjust, impolitic and unnecessary, and would not result in any good to the public."

"4th. The attempt by the passage of this act, to disgrace and degrade the Chief Justice in order to flatter or encourage the

ambition of one of his associates, would subject the Legislature to the censure of every honest citizen, and would result in a prompt and indignant disápproval of said act by the Congress of the United States, should the Legislative Assembly persist in its passage."

In this state of facts the public has acquiesced and to this policy it has adhered since the organization of the Territory. And now with this long adherence to the same course and understanding, and added to this the fact that the whole subject has been thoroughly investigated by a former Governor and Legislature who, under the advice of able state and national counsellors, agreed almost unanimously that such an act of the Legislature, as is now proposed to be made the law of this Territory, would be illegal and void, and would fail if passed to receive the sanction of Congress—under all these circumstances would it be wise to undertake to reverse the ruling of our predecessors, and put ourselves afloat upon a sea of revolution to be stirred up as soon as a Judge becomes obnoxious to an influential litigant? Is it wise to open the door, in violation of a settled usage of more than twenty years, by which the intimidation of a Judge may be attempted by the holding over him the rod of a prospective legislative enactment, to remove and disgrace him at the caprice of the wealthy and influential bad men, who would degrade the judiciary of the Territory to secure some selfish end?

It seems to me wisdom requires that a matter of such magnitude, so long remaining under an undisturbed rule of action and acquiesced in so long, and the whole subject having been but recently settled by the highest power of the Territory, after the most mature examination in accordance with such long standing usage, should not be disturbed at this late day.

Under these circumstances I am compelled to return to you the bill without my approval.

Very respectfully, your obddient servant,
MARSH GIDDINGS,
Governor.

AFFIDAVIT OF GENERAL GRANGER.

General Gordon Granger, being summoned before the Committee appointed by the Council of the Legislative Assembly of the Territory of New Mexico, to investigate the circumstances attendant upon the stationing of United States troops in and about the Legislative Halls of said Territory, during the present session, upon his oath deposes and says, that he furnished no troops whatever to be stationed as aforesaid, except upon the written requisition of

His Excellency, Marsh Giddings, Governor of said Territory.

GORDON GRANGER,
Col. 15th. U. S. Inf'y Comdg., Dist. N. M.

Sworn to and subscribed before me, this the 24th day of January, A. D. 1872.

SAMUEL ELLISON,
Clerk, Probate Court, Santa Fé, County, N. M.

AFFIDAVIT OF SHERIFF CONKLIN.

Charles Conklin, being duly sworn, upon his oath deposes and says, that he is Sheriff of Santa Fé County, Territory of New Mexico: That he was present as a spectator in the Hall of the House of Representatives at Santa Fé, on the tenth instant, when Speaker Rudulph ordered the lobby of the same to be cleared: That at the time said order was issued, there was no disturbance whatever in the said lobby, and the occupants thereof were respectfully attentive to the proceedings of the House: That the said order of the Speaker was protested against by a majority of the House, immediately upon the same being issued, but the said Speaker refused to heed the said protest.

The Sergeant-at Arms of the said House, thereupon requested this affiant to aid in executing the order aforesaid, which this affiant, heeding the protest of the said majority of the House, refused to do. That thereupon the said Speaker, Mr. Rudulph, declared the said House adjourned, without specifying any time for re-assembling: That after the said refusal of this affiant to aid in clearing the lobby aforesaid, and before the said Speaker had declared an adjournment as aforesaid, one of the members who had protested against the clearing of the said lobby, moved an adjournment in the usual form; this motion was duly seconded, but the said Speaker refused to entertain the same; his decision in this respect, was appealed from but he refused to entertain such appeal, and thereupon declared an adjournment in manner aforesaid.

This affiant further says, that according to his own observation, and the best of his knowledge and belief, there had been no unusual disturbance in said lobby during this or any previous day's session of the House of Representatives.

This affiant further says, that he has at no time been called upon by His Excellency the Governor of this Territory, nor by the said Rudulph, claiming to be Speaker as aforesaid, to furnish the civil forces at his command for the purpose of preserving and protecting the members of the Legislature in the enjoyment of their rightful authority; that he has been a close and constant observer of the state of public feeling in this community, as well as the disposition manifested by the gentlemen composing the conflicting branches of the House of Representatives, and has

been unable to discover anything which seemed to render unusual steps, or the slightest show of force necessary to the preservation of peace. Even had such disposition been manifested, this affiant is confident that the civil force at his command, would have been sufficient for the suppression of any and all possible outbreaks. The action of the Governor, in calling upon the military, in the opinion of this affiant, showed unnecessary alarm, and was calculated to excite the public mind, and defeat the very purposes set forth in his requisition ; but even with this additional stimulant, the public feeling was at no time wrought up to anything approaching a dangerous pitch.

CHARLES M. CONKLIN.

Sworn to and subscribed before me, this 23d day of January, A. D., 1872.

SAMUEL ELLISON,
Clerk Probate Court, Santa Fé County, N. M.

AFFIDAVIT of H. CLAY CARSON, SERGEANT-AT-ARMS.

H. Clay Carson, being duly sworn, upon his oath deposes and says that on the evening of the 10th instant, while acting as Sergeant-at-Arms of the House of Representatives of the Legislative Assembly of the Territory of New Mexico, and while attempting, as such Sergeant at-Arms to arrest the body of Milnor Rudulph in compliance with the written order of the said House of Representatives, duly attested by the Chief Clerk thereof, he, the said Milnor Rudulph in endeavoring to avoid the said arrest, entered the public office of His Excellency, Marsh Giddings, Governor of New Mexico. This affiant, shortly afterward followed the said Rudulph into the said Executive Office, and there and then attempted his arrest. His Excellency Governor Giddings, then asked to see the order for such arrest and upon examining the same, stated that he doubted whether such order carried with it a legal authority to arrest. I however insisted upon making the arrest, and was about to call a force to my assistance, when His Excellency interfered, and said to me, "dont you bring any person or persons into my office to arrest any one." I thereupon left the Governor's office without making the arrest.

H. CLAY CARSON.

Sworn to and subscribed before me, this the 23d, day of January A. D. 1872.

SAMUEL ELLISON,
Clerk Probate Court,
Santa Fé, County N. M.